

113TH CONGRESS
1ST SESSION

S. 557

To amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2013

Mrs. HAGAN (for herself, Mr. ROBERTS, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medication Therapy
5 Management Empowerment Act of 2013”.

1 **SEC. 2. IMPROVED ACCESS TO MEDICATION THERAPY MAN-**
2 **AGEMENT UNDER PART D OF THE MEDICARE**
3 **PROGRAM.**

4 Section 1860D–4(c)(2) of the Social Security Act (42
5 U.S.C. 1395w–104(c)(2)) is amended—

6 (1) in subparagraph (A)(ii)(I), by striking
7 “have” and inserting “subject to subparagraph (H),
8 have”; and

9 (2) by adding at the end the following new sub-
10 paragraph:

11 “(H) EXPANSION OF DEFINITION OF TAR-
12 GETED BENEFICIARY THE EXPANSION REDUCES
13 SPENDING.—

14 “(i) CMS ACTUARY REPORT.—Not
15 later than January 1, 2014, the Chief Ac-
16 tuary of the Centers for Medicare & Med-
17 icaid Services (in this subparagraph re-
18 ferred to as the ‘Chief Actuary’) shall sub-
19 mit to the Secretary and to Congress a re-
20 port on whether or not the expansion de-
21 scribed in clause (ii) would, if imple-
22 mented, reduce expenditures under this
23 title. If the Chief Actuary determines that
24 such expansion would reduce spending
25 under this title, such report shall include a
26 certification of such determination.

1 “(ii) EXPANSION DESCRIBED.—The
2 expansion described in this clause is an ex-
3 pansion of the definition of targeted bene-
4 ficiary under subparagraph (A)(ii) by ap-
5 plying subclause (I) of such subparagraph
6 as if the following were inserted before the
7 semicolon at the end: ‘or a single chronic
8 disease that accounts for high spending
9 under this title, including diabetes, hyper-
10 tension, heart failure, dyslipidemia, res-
11 piratory disease (such as asthma, chronic
12 obstructive pulmonary disease, or chronic
13 lung disorders), bone disease-arthritis
14 (such as osteoporosis or osteoarthritis),
15 rheumatoid arthritis, and mental health
16 (such as depression, schizophrenia, or bipo-
17 lar disorder)’.

18 “(iii) APPLICATION IF THE CHIEF AC-
19 TUARY DETERMINES THAT THE EXPAN-
20 SION REDUCES SPENDING.—If the report
21 under clause (i) contains the certification
22 described in such clause, the following
23 rules shall apply:

24 “(I) IMPLEMENTATION OF EX-
25 PANSION.—Subject to subclause (III),

1 effective with respect to plan years be-
2 ginning on or after January 1, 2015,
3 subparagraph (A)(ii)(I) shall be ap-
4 plied to include the expansion de-
5 scribed in clause (ii).

6 “(II) UPDATED CMS ACTUARY
7 REPORT BASED ON IMPLEMENTA-
8 TION.—Not later than March 1, 2020,
9 the Chief Actuary shall submit to the
10 Secretary and to Congress a report on
11 the implementation of the expansion
12 under subclause (I). Such report shall
13 include an analysis of whether or not
14 such expansion reduces spending
15 under this title.

16 “(III) AUTHORITY TO TERMI-
17 NATE EXPANSION IF THE EXPANSION
18 DOES NOT REDUCE SPENDING.—If the
19 Chief Actuary determines in the re-
20 port under subclause (II) that the ex-
21 pansion does not reduce spending
22 under this title, the Secretary may, ef-
23 fective with respect to plan years be-
24 ginning on or after January 1, 2021,
25 apply subparagraph (A)(ii)(I) as if

1 this subparagraph had never been en-
2 acted. In making the determination
3 under the preceding sentence, the Sec-
4 retary shall take into account whether
5 such expansion improves the quality
6 of care furnished to, and the health
7 outcomes of, individuals eligible for
8 services under a medication therapy
9 management program by reason of
10 such expansion.”.

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