

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 6283
OFFERED BY MR. RASKIN OF MARYLAND**

At the end of section 2(d), add the following:

1 (3) OVERSIGHT OF PHARMACY BENEFITS MAN-
2 AGER SERVICES.—

3 (A) IN GENERAL.—Chapter 89 of title 5,
4 United States Code, as amended by paragraph
5 (1) of this subsection, is further amended by
6 adding at the end the following:

7 **“§ 8916. Oversight of pharmacy benefits manager**
8 **services**

9 “(a) IN GENERAL.—For plan years beginning on or
10 after the date that is 2 years after the date of the enact-
11 ment of this section, a health benefits plan or a carrier
12 offering group health insurance coverage under this chap-
13 ter, or an entity or subsidiary providing pharmacy benefits
14 management services on behalf of such a plan or carrier,
15 may not enter into a contract with a drug manufacturer,
16 distributor, wholesaler, subcontractor, rebate aggregator,
17 or any other third party that limits (or delays beyond the
18 applicable reporting period described in subsection (b)(1))
19 the disclosure of information to health benefits plans in

1 such a manner that prevents such plan, carrier, or entity
2 from making the reports described in subsection (b).

3 “(b) REPORTS.—

4 “(1) IN GENERAL.—With respect to plan years
5 beginning on or after the date that is 2 years after
6 the date of enactment of this section, not less fre-
7 quently than every 6 months (or at the request of
8 a health benefits plan, not less frequently than quar-
9 terly, but under the same conditions, terms, and cost
10 of the semiannual report under this subsection), a
11 health benefits plan or a carrier offering group
12 health insurance coverage under this chapter, or an
13 entity providing pharmacy benefits management
14 services on behalf of such a plan or carrier, shall
15 submit to the health benefits plan a report in ac-
16 cordance with this section. Each such report shall be
17 made available to such group health plan in a ma-
18 chine-readable format and shall include the informa-
19 tion described in paragraph (2).

20 “(2) REGULATIONS.—For purposes of para-
21 graph (1), the Director of the Office of Personnel
22 Management shall promulgate regulations on the
23 specific information required to be submitted in each
24 report under paragraph (1).

1 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to permit a health benefits plan,
3 carrier, or entity providing pharmacy benefits manage-
4 ment services on behalf of such plan or carrier, to restrict
5 disclosure to, or otherwise limit the access of, the Depart-
6 ment of Health and Human Services to a report described
7 in subsection (b)(1) or information related to compliance
8 with subsection (a) or (b) by entities subject to such sub-
9 section.”.

10 (B) CLERICAL AMENDMENT.—The table of
11 sections for such chapter is amended by adding
12 after the item relating to section 8915, as
13 added by paragraph (2) of this subsection, the
14 following:

“8916. Oversight of pharmacy benefits manager services.”.

