

AMENDMENT

OFFERED BY M . _____

Add at the end of title I the following new section:

1 **SEC. 103. EXPANDING FAIR PRICE NEGOTIATION PROGRAM**
2 **TO INCLUDE LOWERING PRICES FOR OTHER**
3 **HEALTH CARE ITEMS AND SERVICES.**

4 Part E of title XI of the Social Security Act (42
5 U.S.C. 1301 et seq.), as added by section 101, is amended
6 by adding at the end the following new section:

7 **“SEC. 1199A. EXPANDING FAIR PRICE NEGOTIATION PRO-**
8 **GRAM TO INCLUDE LOWERING PRICES FOR**
9 **OTHER HEALTH CARE ITEMS AND SERVICES.**

10 “(a) IN GENERAL.—Beginning not later than one
11 year after the date of the enactment of this section, and
12 notwithstanding any other provision of law, the Secretary
13 shall, through rulemaking, expand the Fair Price Negotia-
14 tion Program under this part to determine (through nego-
15 tiation and renegotiation with health care providers and
16 facilities) a maximum fair price for selected items and
17 services and provide such maximum fair price to MFP-
18 eligible individuals in a similar manner and to a similar
19 extent as maximum fair prices for selected drugs are de-
20 termined (through negotiation and renegotiation with

1 manufacturers) and provided to fair price eligible individ-
2 uals under the program.

3 “(b) MFP-ELIGIBLE INDIVIDUAL.—For purposes of
4 this section, the term ‘fair price eligible individual’ means,
5 with respect to a selected item or service, an individual
6 who is—

7 “(1) in the case such selected item or service is
8 covered under part A of title XVIII, entitled to bene-
9 fits under such part;

10 “(2) in the case such selected item or service is
11 covered under part B of title XVIII, enrolled for
12 benefits under such part; or

13 “(3) in the case such selected item or service is
14 covered under a group health plan or health insur-
15 ance coverage offered in the group or individual
16 market (as such terms are defined in section 2791
17 of the Public Health Service Act) with respect to
18 which there is in effect an agreement with the Sec-
19 retary under subsection (d), enrolled under such
20 plan or coverage.

21 “(c) SELECTED ITEMS AND SERVICES.—For pur-
22 poses of this section, the term ‘selected item or service’
23 means a health care item or service specified and selected
24 in a manner similar to the manner in which selected drugs
25 are specified and selected under section 1192.

1 “(d) APPLICATION TO OTHER HEALTH INSUR-
2 ANCE.—The rulemaking issued pursuant to subsection (a)
3 shall provide that the Secretary shall be treated as having
4 in effect an agreement with a group health plan or health
5 insurance issuer offering health insurance coverage under
6 the expansion of the program (except in the case that such
7 a plan or issuer affirmatively elects not to participate
8 under such expansion) with respect to a selected item or
9 service with respect to which coverage is provided under
10 such plan or coverage in the same manner as a group
11 health plan or health insurance issuer is treated under sec-
12 tion 1197 as having in effect such an agreement with re-
13 spect to a selected drug with respect to which coverage
14 is provided under the plan or coverage.”.

