

1 D drug described in clause (i) shall include
2 price concessions, payments, and fees nego-
3 tiated with such pharmacy as defined by
4 the Secretary, but shall not include incen-
5 tive payments based on pharmacy perform-
6 ance paid or to be paid to such pharmacy.
7 Such negotiated price shall be provided at
8 the point-of-sale of such drug.”.

9 (b) DISCLOSURE TO PHARMACY OF POST-POINT-OF-
10 SALE PHARMACY PRICE CONCESSIONS AND INCENTIVE
11 PAYMENTS.—Section 1860D–2(d)(2) of the Social Secu-
12 rity Act (42 U.S.C. 1395w–102(d)(2)) is amended—

13 (1) BY STRIKING “DISCLOSURE.—A PDP
14 sponsor” and inserting “DISCLOSURE.—

15 “(A) TO THE SECRETARY.—A PDP spon-
16 sor”; and

17 (2) by adding at the end the following new sub-
18 paragraph:

19 “(B) TO PHARMACIES.—

20 “(i) IN GENERAL.—For plan year
21 2022 and subsequent plan years, a PDP
22 sponsor offering a prescription drug plan
23 and an MA organization offering an MA-
24 PD plan shall report any pharmacy price
25 concession or incentive payment that oc-

1 curs with respect to a pharmacy after pay-
2 ment for covered part D drugs at the
3 point-of-sale, including by an intermediary
4 organization with which a PDP sponsor or
5 MA organization has contracted, to the
6 pharmacy.

7 “(ii) TIMING.—The reporting of price
8 concessions and incentive payments to a
9 pharmacy under clause (i) shall be made
10 on a periodic basis (but in no case less fre-
11 quently than annually).

12 “(iii) CLAIM LEVEL.—The reporting
13 of price concessions and incentive pay-
14 ments to a pharmacy under clause (i) shall
15 be at the claim level or approximated at
16 the claim level if the price concession or in-
17 centive payment was applied at a level
18 other than at the claim level.”.

