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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

# H. R. 3029

To amend title XVIII of the Social Security Act to provide transitional coverage and retroactive Medicare part D coverage for certain low-income beneficiaries.

\_\_\_\_\_  
May 28, 2019

## IN THE HOUSE OF REPRESENTATIVES

Mr. OLSON introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

## A BILL

To amend title XVIII of the Social Security Act to provide transitional coverage and retroactive Medicare part D coverage for certain low-income beneficiaries.

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 “Improving Low Income  
5 Access to Prescription Drugs Act of 2019”.

1 **SEC. 2. TRANSITIONAL COVERAGE AND RETROACTIVE**  
2 **MEDICARE PART D COVERAGE FOR CERTAIN**  
3 **LOW-INCOME BENEFICIARIES.**

4 Section 1860D–14 of the Social Security Act (42  
5 U.S.C. 1395w–114) is amended—

6 (1) by redesignating subsection (e) as sub-  
7 section (f); and

8 (2) by adding after subsection (d) the following  
9 new subsection:

10 “(e) LIMITED INCOME NEWLY ELIGIBLE TRANSI-  
11 TION PROGRAM.—

12 “(1) IN GENERAL.—The Secretary shall carry  
13 out a program to provide transitional coverage for  
14 covered part D drugs for LI NET eligible individ-  
15 uals in accordance with this subsection.

16 “(2) LI NET ELIGIBLE INDIVIDUAL DEFINED.—  
17 For purposes of this subsection, the term ‘LI NET  
18 eligible individual’ means a part D eligible individual  
19 who—

20 “(A) is a subsidy eligible individual; and

21 “(B) has not yet enrolled in a prescription  
22 drug plan or an MA–PD plan, or, who has so  
23 enrolled, but with respect to whom coverage  
24 under such plan has not yet taken effect.

25 “(3) TRANSITIONAL COVERAGE.—For purposes  
26 of this subsection, the term ‘transitional coverage’

1 means with respect to an LI NET eligible indi-  
2 vidual—

3 “(A) immediate access to covered part D  
4 drugs at the point of sale during the period  
5 that begins on the first day of the month such  
6 individual is determined to be a subsidy eligible  
7 individual and ends on the date that coverage  
8 under a prescription drug plan or MA–PD plan  
9 takes effect with respect to such individual; and

10 “(B) in the case of an LI NET eligible in-  
11 dividual who is a full-benefit dual eligible indi-  
12 vidual (as defined in section 1935(c)(6)) or a  
13 recipient of supplemental security income bene-  
14 fits under title XVI, retroactive coverage (in the  
15 form of reimbursement of the amounts that  
16 would have been paid under this part had such  
17 individual been enrolled in a prescription drug  
18 plan or MA–PD plan) of covered part D drugs  
19 purchased by such individual during the period  
20 that begins on the date that is the later of—

21 “(i) the date that such individual was  
22 first eligible for a low income subsidy  
23 under this part; or

1                   “(ii) the date that is 36 months prior  
2                   to the date such individual enrolls in a pre-  
3                   scription drug plan or MA–PD plan,  
4                   and ends on the date that coverage under such  
5                   plan takes effect.

6                   “(4) PROGRAM ADMINISTRATION.—

7                   “(A) SINGLE POINT OF CONTACT.—The  
8                   Secretary shall, to the extent feasible, admin-  
9                   ister the program under this subsection through  
10                  a contract with a single program administrator.

11                  “(B) BENEFIT DESIGN.—The Secretary  
12                  shall ensure that the transitional coverage pro-  
13                  vided to LI NET eligible individuals under this  
14                  subsection—

15                         “(i) provides access to all covered part  
16                         D drugs under an open formulary;

17                         “(ii) permits all pharmacies deter-  
18                         mined by the Secretary to be in good  
19                         standing to process claims under the pro-  
20                         gram;

21                         “(iii) is consistent with such require-  
22                         ments as the Secretary considers necessary  
23                         to improve patient safety and ensure ap-  
24                         propriate dispensing of medication; and

1                   “(iv) meets such other requirements  
2                   as the Secretary may establish.

3                   “(5) RELATIONSHIP TO OTHER PROVISIONS OF  
4 THIS TITLE; WAIVER AUTHORITY.—

5                   “(A) IN GENERAL.—The following provi-  
6 sions shall not apply with respect to the pro-  
7 gram under this subsection:

8                   “(i) Paragraphs (1) and (3)(B) of sec-  
9 tion 1860D–4(a) (relating to dissemination  
10 of general information; availability of infor-  
11 mation on changes in formulary through  
12 the internet).

13                   “(ii) Subparagraphs (A) and (B) of  
14 section 1860D–4(b)(3) (relating to require-  
15 ments on development and application of  
16 formularies; formulary development).

17                   “(iii) Paragraphs (1)(C) and (2) of  
18 section 1860D–4(c) (relating to medication  
19 therapy management program).

20                   “(B) WAIVER AUTHORITY.—The Secretary  
21 may waive such other requirements of titles XI  
22 and this title as may be necessary to carry out  
23 the purposes of the program established under  
24 this subsection.”.