

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1978
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Protecting Seniors
3 Through Immunization Act of 2021”.

**4 SEC. 2. PROVISION OF INFORMATION REGARDING VAC-
5 CINES FOR SENIORS AS PART OF MEDICARE
6 & YOU HANDBOOK AND COVERAGE OF ADULT
7 VACCINES RECOMMENDED BY THE ADVISORY
8 COMMITTEE ON IMMUNIZATION PRACTICES
9 UNDER MEDICARE PART D.**

10 (a) PROVISION OF INFORMATION REGARDING VAC-
11 CINES FOR SENIORS AS PART OF MEDICARE & YOU
12 HANDBOOK.—

13 (1) IN GENERAL.—Section 1804 of the Social
14 Security Act (42 U.S.C. 1395b–2) is amended—

15 (A) in subsection (a)(1), by inserting “(in-
16 cluding information with respect to coverage of
17 vaccines described in subsection (e))” after “ex-

1 planation of the benefits available under this
2 title”; and

3 (B) by adding at the end the following new
4 subsection:

5 “(e) The notice provided under subsection (a) shall
6 include information with respect to coverage of adult vac-
7 cines recommended by the Advisory Committee on Immu-
8 nization Practices (as defined in section 1860D-
9 2(b)(8)(B)) under part D for individuals enrolled in a pre-
10 scription drug plan under such part.”.

11 (2) EFFECTIVE DATE.—The amendments made
12 by this subsection shall apply to notices distributed
13 prior to each Medicare open enrollment period begin-
14 ning no later than 2023, for plan year 2024.

15 (b) COVERAGE OF ADULT VACCINES RECOMMENDED
16 BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRAC-
17 TICES UNDER MEDICARE PART D.—

18 (1) PROVISION OF EDUCATIONAL MATERIALS
19 REGARDING THE AVAILABILITY OF ADULT VACCINES
20 RECOMMENDED BY THE ADVISORY COMMITTEE ON
21 IMMUNIZATION PRACTICES WITH NO COST SHAR-
22 ING.—Section 1860D-4(a)(1)(B) of the Social Secu-
23 rity Act (42 U.S.C. 1395w-104(a)(1)(B)) is amend-
24 ed by adding at the end the following new clause:

1 “(vii) For plan years beginning on or
2 after January 1, 2024, access to adult vac-
3 cines recommended by the Advisory Com-
4 mittee on Immunization Practices (as de-
5 fined in section 1860D–2(b)(8)(B)).”.

6 (2) ENSURING TREATMENT OF COST SHARING
7 IS CONSISTENT WITH TREATMENT OF VACCINES
8 UNDER MEDICARE PART B.—Section 1860D–2 of the
9 Social Security Act (42 U.S.C. 1395w–102) is
10 amended—

11 (A) in subsection (b)—

12 (i) in paragraph (1)(A), by striking
13 “the coverage” and inserting “Subject to
14 paragraph (8), the coverage”;

15 (ii) in paragraph (2)(A), by striking
16 “and (D)” and inserting “and (D) and
17 paragraph (8)”;

18 (iii) in paragraph (3)(A), by striking
19 “and (4)” and inserting “(4), and (8)”;

20 (iv) in paragraph (4)(A)(i), by strik-
21 ing “The coverage” and inserting “Subject
22 to paragraph (8), the coverage”; and

23 (v) by adding at the end the following
24 new paragraph:

1 “(8) TREATMENT OF COST SHARING FOR
2 ADULT VACCINES RECOMMENDED BY THE ADVISORY
3 COMMITTEE ON IMMUNIZATION PRACTICES CON-
4 SISTENT WITH TREATMENT OF VACCINES UNDER
5 PART B.—

6 “(A) IN GENERAL.—For plan years begin-
7 ning on or after January 1, 2024 , the fol-
8 lowing shall apply with respect to an adult vac-
9 cine recommended by the Advisory Committee
10 on Immunization Practices (as defined in sub-
11 paragraph (B)):

12 “(i) NO APPLICATION OF DEDUCT-
13 IBLE.—The deductible under paragraph
14 (1) shall not apply with respect to such
15 vaccine.

16 “(ii) NO APPLICATION OF COINSUR-
17 ANCE OR ANY OTHER COST-SHARING.—
18 There shall be no coinsurance or other
19 cost-sharing under this part with respect
20 to such vaccine, regardless of whether for
21 costs below, at, or above the initial cov-
22 erage limit under paragraph (3) or the
23 out-of-pocket threshold under paragraph
24 (4).

1 “(B) ADULT VACCINES RECOMMENDED BY
2 THE ADVISORY COMMITTEE ON IMMUNIZATION
3 PRACTICES.—For purposes of this paragraph,
4 the term ‘adult vaccine recommended by the
5 Advisory Committee on Immunization Prac-
6 tices’ means a covered part D drug that is a
7 vaccine licensed under section 351 of the Public
8 Health Service Act for use by adult populations
9 and administered in accordance with rec-
10 ommendations of the Advisory Committee on
11 Immunization Practices of the Centers for Dis-
12 ease Control and Prevention.”; and

13 (B) in subsection (c), by adding at the end
14 the following new paragraph:

15 “(4) TREATMENT OF COST SHARING FOR
16 ADULT VACCINES RECOMMENDED BY THE ADVISORY
17 COMMITTEE ON IMMUNIZATION PRACTICES.—The
18 coverage is in accordance with subsection (b)(8).”.

19 (3) CONFORMING AMENDMENTS TO COST SHAR-
20 ING FOR LOW-INCOME INDIVIDUALS.—Section
21 1860D–14(a) of the Social Security Act (42 U.S.C.
22 1395w–114(a)) is amended—

23 (A) in paragraph (1)(D), in each of clauses
24 (ii) and (iii), by striking “In the case” and in-
25 serting “Subject to paragraph (6), in the case”;

1 (B) in paragraph (2)—

2 (i) in subparagraph (B), by striking
3 “A reduction” and inserting “Subject to
4 paragraph (6), a reduction”

5 (ii) in subparagraph (D), by striking
6 “The substitution” and inserting “Subject
7 to paragraph (6), the substitution”; and

8 (iii) in subparagraph (E), by striking
9 “subsection (c)” and inserting “paragraph
10 (6) and subsection (c)”; and

11 (C) by adding at the end the following new
12 paragraph:

13 “(6) NO APPLICATION OF COST SHARING FOR
14 ADULT VACCINES RECOMMENDED BY THE ADVISORY
15 COMMITTEE ON IMMUNIZATION PRACTICES.—For
16 plan years beginning on or after January 1, 2024,
17 there shall be no cost sharing under this section, in-
18 cluding no annual deductible applicable under this
19 section, with respect to an adult vaccine rec-
20 ommended by the Advisory Committee on Immuniza-
21 tion Practices (as defined in subparagraph (B) of
22 such section).”.

23 (4) RULE OF CONSTRUCTION.—Nothing in this
24 Act shall be construed as limiting coverage under
25 part D of title XVIII of the Social Security Act for

1 vaccines that are not recommended by the Advisory
2 Committee on Immunization Practices.

3 (c) STUDY AND REPORT.—

4 (1) STUDY.—The Secretary of Health and
5 Human Services (referred to in this subsection as
6 the “Secretary”), acting through the Director of the
7 Centers for Disease Control and Prevention, and in
8 collaboration with the Administrator of the Centers
9 for Medicare & Medicaid Services, shall conduct a
10 study on the utilization among the Medicare bene-
11 ficiary population of vaccines that are covered under
12 part B of title XVIII of the Social Security Act and
13 part D of such title and recommended by the Advi-
14 sory Committee on Immunization Practices, includ-
15 ing the herpes zoster vaccine and the tetanus, diph-
16 theria, and pertussis vaccine, and anticipated vac-
17 cines against such diseases as respiratory syncytial
18 virus, clostridium difficile, and others. Such study
19 shall include an analysis of ways to—

20 (A) increase the baseline target rate of
21 coverage for vaccines recommended by the Advi-
22 sory Committee on Immunization Practices of
23 the Centers for Disease Control and Prevention
24 in the Healthy People 2020 goals;

1 (B) ensure that baseline targets focus on
2 reducing racial and socioeconomic disparities in
3 the vaccine coverage rates for all adult vaccines;

4 (C) help facilitate immunization of Medi-
5 care beneficiaries, by evaluating processes and
6 administrative challenges in existence as of the
7 date of the enactment of this Act that impact
8 beneficiary access to vaccines, such as difficulty
9 verifying beneficiary coverage and complexity of
10 physician office billing of vaccines covered
11 under Medicare part D, that impact access for
12 beneficiaries; and

13 (D) strengthen immunization information
14 systems to allow all States to have electronic
15 databases for immunization records.

16 (2) REPORT.—Not later than January 1, 2026,
17 the Secretary shall submit to Congress a report con-
18 taining the results of the study under paragraph (1).

