

AMENDMENT TO H.R. 5385
OFFERED BY MRS. HARSHBARGER OF TENNESSEE

Add at the end the following new section:

1 **SEC. 3. ENSURING MEDICARE BENEFICIARY ACCESS TO**
2 **PART D DRUGS DISPENSED BY A PHYSICIAN.**

3 (a) IN GENERAL.—Section 1877(b)(2) of the Social
4 Security Act (42 U.S.C. 1395nn(b)(2)) is amended by
5 adding at the end the following new sentence: “With re-
6 spect to services consisting of drugs, and any supplies nec-
7 essary to administer such drugs, furnished on or after
8 May 11, 2023, the requirement that such drugs and sup-
9 plies be furnished in accordance with subparagraph (A)(ii)
10 in order to qualify as a case described in this paragraph
11 shall not apply.”.

12 (b) WITHDRAWAL OF FAQs.—The Secretary of
13 Health and Human Services shall remove the frequently
14 asked questions and answers published on the website of
15 the Centers for Medicare & Medicaid Services on Sep-
16 tember 20, 2021, and May 19, 2023, which prohibit or
17 seek to prohibit the arrangement described in the amend-
18 ment made by subsection (a) and those frequently asked

1 questions and answers shall be deemed to have never been
2 published.

