

**Amendment to the Amendment in the Nature of a Substitute to H.R. 3  
Offered by Rep. Wenstrup of Ohio**

The amendment would require hospitals to pass along savings from the 340B program directly to consumers to help lower their out-of-pocket costs for drugs.



**AMENDMENT**

**OFFERED BY MR. Wenstrup**

Add at the end the following (and conform the table of contents accordingly):

1       **TITLE VI—MISCELLANEOUS**

2       **SEC. 601. TREATMENT OF COST-SHARING FOR CERTAIN**  
3                       **340B DRUGS.**

4       Section 1833(t)(3) of the Social Security Act (42  
5       U.S.C. 1395l(t)(3)) is amended by adding at the end the  
6       following new subparagraph:

7                       “(H)    COST-SHARING    FOR    CERTAIN  
8       DRUGS.—

9                       “(i)  IN GENERAL.—Notwithstanding  
10                      any other provision of this subsection, in  
11                      the case of an applicable covered out-  
12                      patient drug (as defined in clause (ii)) fur-  
13                      nished on or after January 1, 2020, to an  
14                      individual under the system under this  
15                      subsection by a hospital with respect to  
16                      which payment has been reduced under  
17                      this subsection in accordance with the pro-  
18                      visions under section V.7.b. (relating to  
19                      OPPS payment rate for 340B purchased

1 drugs) of the final rule titled ‘Medicare  
2 Program: Hospital Outpatient Prospective  
3 Payment and Ambulatory Surgical Center  
4 Payment Systems and Quality Reporting  
5 Programs’ published on November 13,  
6 2017, in the Federal Register (82 FR  
7 52495–52497), the copayment that shall  
8 apply under this subsection with respect to  
9 such drug shall be calculated based on  
10 such reduced payment amount to such hos-  
11 pital pursuant to such rule.

12 “(ii) APPLICABLE COVERED OUT-  
13 PATIENT DRUG.—For purposes of clause  
14 (i), the term ‘applicable covered outpatient  
15 drug’ is a covered outpatient drug—

16 “(I) that is subject to an agree-  
17 ment under section 340B of the Pub-  
18 lic Health Service Act; and

19 “(II) to which the provisions  
20 under the section V.7.b described in  
21 clause (i) apply.”.

22 **SEC. 602. SENSE OF CONGRESS RELATING TO 340B DRUG**  
23 **DISCOUNT PROGRAM.**

24 It is the sense of Congress that the purpose of the  
25 drug discount program under section 340B of the Public

1 Health Service Act (42 U.S.C. 256b) is to lower out-of-  
2 pocket drugs costs for low-income and uninsured individ-  
3 uals.



