

118TH CONGRESS
1ST SESSION

H. R. 5376

To amend title XVIII of the Social Security Act to ensure appropriate cost-sharing for chronic care drugs under Medicare part D.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2023

Mrs. MILLER-MEEKS (for herself, Ms. ROSS, Mr. CARTER of Georgia, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to ensure appropriate cost-sharing for chronic care drugs under Medicare part D.

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 “Share the Savings with
5 Seniors Act”.

1 **SEC. 2. APPROPRIATE COST-SHARING FOR CHRONIC CARE**
2 **DRUGS UNDER MEDICARE PART D.**

3 (a) IN GENERAL.—Section 1860D–2 of the Social
4 Security Act (42 U.S.C. 1395w–102) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)(A), in the matter
7 preceding clause (i), by striking “and (9)” and
8 inserting “, (9), and (10)”;

9 (B) in paragraph (2)(A), in the matter
10 preceding clause (i), by striking “and (9)” and
11 inserting “, (9), and (10)”;

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

14 “(10) COST-SHARING FOR CHRONIC CARE
15 DRUGS.—

16 “(A) IN GENERAL.—For plan years begin-
17 ning on or after January 1, 2025, in the case
18 of a chronic care drug, the following shall
19 apply:

20 “(i) For costs below the annual de-
21 ductible specified in paragraph (1), cost-
22 sharing for such drug shall not exceed the
23 net price of such drug.

24 “(ii) Subject to subparagraph (B), for
25 costs above the annual deductible specified
26 in paragraph (1) and below the out-of-

1 pocket threshold specified in paragraph
2 (4), any coinsurance amount for such drug
3 shall be based on a percentage of the net
4 price of such drug.

5 “(B) EXCEPTION.—The requirement under
6 subparagraph (A)(ii) shall not apply to a chron-
7 ic care drug under a prescription drug plan if
8 the cost-sharing amount for such drug under
9 such plan is based on a copayment that is not
10 tied to a percentage of a drug price (such as
11 the negotiated price, list price, or wholesale ac-
12 quisition cost), a drug benchmark price (such
13 as the average wholesale price), or a drug cost.

14 “(C) DEFINITIONS.—In this paragraph:

15 “(i) CHRONIC CARE DRUG.—The term
16 ‘chronic care drug’ means a covered part D
17 drug that is included under any of the fol-
18 lowing United States Pharmacopeia Con-
19 vention (USP) categories and classes of
20 drugs, as included in the most recent
21 version of the USP Medicare Model Guide-
22 lines:

23 “(I) Blood glucose regulators,
24 other than insulins.

1 “(II) Anti-inflammatories, in-
2 haled corticosteroids.

3 “(III) Bronchodilators, anticho-
4 linergic.

5 “(IV) Bronchodilators,
6 sympathomimetic.

7 “(V) Respiratory tract agents,
8 other.

9 “(VI) Anticoagulants.

10 “(VII) Cardiovascular agents,
11 other.

12 “(VIII) Any category or class
13 identified by the Secretary or USP as
14 a successor to the categories and
15 classes described in subclauses (I)
16 through (VII) based on the most re-
17 cent USP Medicare Model Guidelines
18 at the time of such identification.

19 “(ii) NET PRICE.—The term ‘net
20 price’ means the negotiated price of the
21 drug net of all price concessions origi-
22 nating from manufacturers that are re-
23 ceived or expected to be received by the
24 plan or pharmacy benefit manager on be-
25 half of the plan for such product and that

1 are not already reflected in the negotiated
2 price.”; and

3 (2) in subsection (c), by adding at the end the
4 following new paragraph:

5 “(7) COST-SHARING FOR COVERED CHRONIC
6 CARE DRUGS.—The coverage is provided in accord-
7 ance with subsection (b)(10).”.

8 (b) CONFORMING AMENDMENTS TO COST-SHARING
9 FOR LOW-INCOME INDIVIDUALS.—Section 1860D–
10 14(a)(1)(D)(iii) of the Social Security Act (42 U.S.C.
11 1395w–114(a)(1)(D)(iii)) is amended by adding at the
12 end the following new sentence: “For plan year 2025 and
13 subsequent plan years, the copayment amount applicable
14 under the first sentence of this subclause for a chronic
15 drug (as defined in section 1860D–2(b)(10)(B)) furnished
16 to the individual may not exceed the applicable cost-shar-
17 ing for such drug under the prescription drug plan or MA–
18 PD plan in which the individual is enrolled.”.

19 (c) REGULATIONS.—Notwithstanding any other pro-
20 vision of law, the Secretary of Health and Human Services
21 shall initially implement the amendments made by this
22 section through interim final regulations.

○