

118TH CONGRESS
1ST SESSION

S. 2477

To amend title XVIII of the Social Security Act to provide pharmacy payment of certain services.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2023

Mr. THUNE (for himself and Mr. WARNER) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide
pharmacy payment of certain services.

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 “Equitable Community
5 Access to Pharmacist Services Act”.

6 **SEC. 2. COVERAGE OF PHARMACIST SERVICES UNDER**
7 **MEDICARE PART B.**

8 (a) COVERAGE.—Section 1861(s) of the Social Secu-
9 rity Act (42 U.S.C. 1395x(s)) is amended—

10 (1) in paragraph (2)—

1 (A) in subparagraph (II), by striking
2 “and” at the end;

3 (B) in subparagraph (JJ), by inserting
4 “and” after the semicolon at the end; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(KK) pharmacist services and such services
8 and supplies furnished as an incident to the phar-
9 macist’s service as would otherwise be covered under
10 part B if furnished by a physician or as an incident
11 to a physician’s service that—

12 “(i) are furnished by a pharmacist—

13 “(I) as licensed under State law; or

14 “(II) pursuant to a Federal emer-
15 gency authority described under section
16 319F–3 or section 361 of the Public
17 Health Service Act, or other similar Fed-
18 eral law;

19 “(ii) would otherwise be covered under part
20 B if furnished by a physician; and

21 “(iii) are services—

22 “(I) for encounters for the evaluation
23 and management of patients for testing or
24 treatment for COVID–19, influenza, res-

1 piratory syncytial virus, or streptococcal
2 pharyngitis; or

3 “(II) that address a public health
4 need related to a public health emergency
5 under section 319F–3 or section 361 of
6 the Public Health Service Act, or other
7 similar Federal law.”; and

8 (2) in paragraph (10), in each of subpara-
9 graphs (A) and (B), by inserting “, including when
10 furnished by a pharmacist” before the semicolon in
11 each such subparagraph.

12 (b) PAYMENT.—Section 1833(a)(1) of the Social Se-
13 curity Act (42 U.S.C. 1395l(a)(1)) is amended—

14 (1) by striking “and (HH)” and inserting
15 “(HH)”; and

16 (2) by inserting before the semicolon at the end
17 the following: “and (II) with respect to pharmacist
18 services described in section 1861(s)(2)(KK), the
19 amounts paid shall be equal to 80 percent of the
20 lesser of (i) the actual charge for the services or (ii)
21 85 percent (or 100 percent, in the case of such serv-
22 ices furnished pursuant to a Federal emergency au-
23 thority described in clause (i)(II) of such section) of
24 the amount determined under the payment basis
25 under section 1848 for such services.”.

1 (c) PROHIBITION ON BALANCE BILLING FOR PHAR-
2 MACIST SERVICES.—Section 1842(b)(18)(C) of the Social
3 Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by
4 adding at the end the following:

5 “(ix) A pharmacist.”.

6 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to restrict the ability of pharmacies
8 and pharmacists to enroll and obtain reimbursement
9 under existing pathways under title XVIII of the Social
10 Security Act (42 U.S.C. 1395 et seq.) as of the date of
11 the enactment of this Act, including payment as mass
12 immunizers.

13 (e) IMPLEMENTATION AUTHORITY.—Notwith-
14 standing any other provision of law, the Secretary of
15 Health and Human Services shall implement the provi-
16 sions of, and the amendments made by, this section by
17 interim final rule, program instruction, or otherwise not
18 later than the date that is 60 days after the date of the
19 enactment of this Act.

○