

116TH CONGRESS
2D SESSION

S. 3932

To direct the Secretary of Defense to carry out a pilot program under the TRICARE pharmacy benefits program.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2020

Mr. ROUNDS introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to carry out a pilot program under the TRICARE pharmacy benefits program.

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 “TRICARE Retail
5 Pharmacy Prescription Medication Expansion Act of
6 2020”.

1 **SEC. 2. PILOT PROGRAM ON RECEIPT OF NON-GENERIC**
2 **PRESCRIPTION MAINTENANCE MEDICATIONS**
3 **UNDER TRICARE PHARMACY BENEFITS PRO-**
4 **GRAM.**

5 (a) **REQUIREMENT.**—The Secretary of Defense shall
6 carry out a pilot program under which eligible covered
7 beneficiaries may elect to receive non-generic prescription
8 maintenance medications selected under subsection (c)
9 through military treatment facility pharmacies, retail
10 pharmacies, or the national mail-order pharmacy program,
11 notwithstanding section 1074g(a)(9) of title 10, United
12 States Code.

13 (b) **DURATION.**—The Secretary shall carry out the
14 pilot program for a three-year period beginning not later
15 than March 1, 2021.

16 (c) **SELECTION OF MEDICATION.**—The Secretary
17 shall select non-generic prescription maintenance medica-
18 tions described in section 1074g(a)(9)(C)(i) of title 10,
19 United States Code, to be covered by the pilot program.

20 (d) **USE OF VOLUNTARY REBATES.**—

21 (1) **REQUIREMENT.**—In carrying out the pilot
22 program, the Secretary shall seek to renew and mod-
23 ify contracts described in paragraph (2) in a manner
24 that—

25 (A) includes for purposes of the pilot pro-
26 gram retail pharmacies as a point of sale for

1 the non-generic prescription maintenance medi-
2 cation covered by the contract; and

3 (B) provides the manufacturer with the op-
4 tion to provide voluntary rebates for such medi-
5 cations at retail pharmacies.

6 (2) CONTRACTS DESCRIBED.—The contracts
7 described in this paragraph are contracts for the
8 procurement of non-generic prescription mainte-
9 nance medications selected under subsection (c) that
10 are eligible for renewal during the period in which
11 the pilot program is carried out.

12 (e) NOTIFICATION.—In providing each eligible cov-
13 ered beneficiary with an explanation of benefits, the Sec-
14 retary shall notify the beneficiary of whether the medica-
15 tion that the beneficiary is prescribed is covered by the
16 pilot program.

17 (f) BRIEFING AND REPORTS.—

18 (1) BRIEFING.—Not later than 90 days after
19 the date of the enactment of this Act, the Secretary
20 shall brief the congressional defense committees on
21 the implementation of the pilot program.

22 (2) INTERIM REPORT.—Not later than 18
23 months after the commencement of the pilot pro-
24 gram, the Secretary shall submit to the congress-

1 sional defense committees a report on the pilot pro-
2 gram.

3 (3) COMPTROLLER GENERAL REPORT.—

4 (A) IN GENERAL.—Not later than March
5 1, 2024, the Comptroller General of the United
6 States shall submit to the congressional defense
7 committees a report on the pilot program.

8 (B) ELEMENTS.—The report required by
9 subparagraph (A) shall include the following:

10 (i) The number of eligible covered
11 beneficiaries who participated in the pilot
12 program and an assessment of the satisfac-
13 tion of such beneficiaries with the pilot
14 program.

15 (ii) The rate by which eligible covered
16 beneficiaries elected to receive non-generic
17 prescription maintenance medications at a
18 retail pharmacy pursuant to the pilot pro-
19 gram, and how such rate affected military
20 treatment facility pharmacies and the na-
21 tional mail-order pharmacy program.

22 (iii) The amount of cost savings real-
23 ized by the pilot program, including with
24 respect to—

1 (I) dispensing fees incurred at re-
2 tail pharmacies compared to the na-
3 tional mail-order pharmacy program
4 for brand name prescription drugs;

5 (II) administrative fees;

6 (III) any costs paid by the
7 United States for the drugs in addi-
8 tion to the procurement costs;

9 (IV) the use of military treat-
10 ment facilities; and

11 (V) copayments paid by eligible
12 covered beneficiaries.

13 (iv) A comparison of supplemental re-
14 bates between retail pharmacies and other
15 points of sale.

16 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to affect the ability of the Secretary
18 to carry out section 1074g(a)(9)(C) of title 10, United
19 States Code, after the date on which the pilot program
20 is completed.

21 (h) DEFINITIONS.—In this section:

22 (1) The term “eligible covered beneficiary” has
23 the meaning given that term in section 1074g(i) of
24 title 10, United States Code.

1 (2) The terms “military treatment facility phar-
2 macies”, “retail pharmacies”, and “the national
3 mail-order pharmacy program” mean the methods
4 for receiving prescription drugs as described in
5 clauses (i), (ii), and (iii), respectively, of section
6 1074g(a)(2)(E) of title 10, United States Code.

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