

117TH CONGRESS
1ST SESSION

H. R. 2759

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2021

Mr. BUTTERFIELD (for himself, Mr. MCKINLEY, Mr. BILIRAKIS, Mr. CARTER of Georgia, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Mr. CRAWFORD, Ms. DEGETTE, Mrs. DEMINGS, Mr. FITZPATRICK, Mr. FOSTER, Mr. GOHMERT, Mr. LYNCH, Ms. MOORE of Wisconsin, Mr. O'HALLERAN, Ms. PINGREE, Mr. PRICE of North Carolina, Ms. ROSS, Mr. SMITH of Missouri, Mr. TONKO, Mr. WESTERMAN, and Mr. GUEST) 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 provide for coverage under the Medicare program of pharmacist 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 “Pharmacy and Medi-
5 cally Underserved Areas Enhancement Act”.

1 **SEC. 2. MEDICARE COVERAGE OF PHARMACIST SERVICES.**

2 (a) COVERAGE.—Section 1861(s)(2) of the Social Se-
3 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

4 (1) by striking “and” at the end of subpara-
5 graph (GG);

6 (2) by striking the period at the end and insert-
7 ing “; and” at the end of subparagraph (HH); and

8 (3) by inserting after subparagraph (HH) the
9 following new subparagraph at the end:

10 “(II) pharmacist services furnished by a
11 pharmacist, as licensed by State law, individ-
12 ually or on behalf of a pharmacy provider—

13 “(i) which the pharmacist is legally
14 authorized to perform in the State in
15 which the individual performs such serv-
16 ices;

17 “(ii) as would otherwise be covered
18 under this part if furnished by a physician,
19 or as an incident to a physician’s service;
20 and

21 “(iii) in a setting located in a health
22 professional shortage area (as defined in
23 section 332(a)(1)(A) of the Public Health
24 Service Act), medically underserved area,
25 or medically underserved population (as
26 defined in section 330(b)(3) of such Act).”.

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

3 (1) by striking “and (DD)” and inserting
4 “(DD)”; and

5 (2) by inserting before the semicolon at the end
6 the following: “and (EE) with respect to pharmacist
7 services (as defined in section 1861(s)(2)(II)), the
8 amounts paid shall be equal to 80 percent of the
9 lesser of the actual charge or 85 percent of the fee
10 schedule amount provided under section 1848 if
11 such services had been furnished by a physician”.

12 (c) EFFECTIVE DATE; PHARMACIST SPECIFIC
13 CODES.—

14 (1) EFFECTIVE DATE.—The amendments made
15 by subsections (a) and (b) shall apply with respect
16 to services furnished on or after January 1, 2022.

17 (2) PHARMACIST SPECIFIC CODES.—The Sec-
18 retary of Health and Human Services shall develop
19 pharmacist specific codes, as necessary, under the
20 physician fee schedule under section 1848 of the So-
21 cial Security Act (42 U.S.C. 1395w-4).

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