

117TH CONGRESS
1ST SESSION

S. 1362

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

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2021

Mr. GRASSLEY (for himself, Mr. CASEY, and Mr. BROWN) 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 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”.

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

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

9 (1) in subparagraph (GG), by striking “and” at
10 the end;

1 (2) in subparagraph (HH), by striking the pe-
 2 riod at the end and inserting “; and”; and

3 (3) by adding at the end the following new sub-
 4 paragraph:

5 “(II) pharmacist services furnished by a phar-
 6 macist, as licensed by State law, individually or on
 7 behalf of a pharmacy provider—

8 “(i) which the pharmacist is legally author-
 9 ized to perform in the State in which the indi-
 10 vidual performs such services;

11 “(ii) as would otherwise be covered under
 12 this part if furnished by a physician, or as an
 13 incident to a physician’s service; and

14 “(iii) in a setting located in a health pro-
 15 fessional shortage area (as defined in section
 16 332(a)(1)(A) of the Public Health Service Act),
 17 medically underserved area, or medically under-
 18 served population (as defined in section
 19 330(b)(3) of such Act);”.

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

22 (1) by striking “and (DD)” and inserting
 23 “(DD)”; and

24 (2) by inserting before the semicolon at the end
 25 the following: “and (EE) with respect to pharmacist

1 services (as defined in section 1861(s)(2)(II)), the
 2 amounts paid shall be equal to 80 percent of the
 3 lesser of the actual charge or 85 percent of the fee
 4 schedule amount provided under section 1848 if
 5 such services had been furnished by a physician”.

6 (c) EFFECTIVE DATE; PHARMACIST SPECIFIC
 7 CODES.—

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

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

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