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118TH CONGRESS
1ST SESSION

H. R. 5150

To direct the Secretary of Defense to submit to Congress a report evaluating beneficiary access to TRICARE network pharmacies.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2023

Mr. NEGUSE introduced the following bill; which was referred to the Committee on Armed Services

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A BILL

To direct the Secretary of Defense to submit to Congress a report evaluating beneficiary access to TRICARE network pharmacies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT ON ACCESS OF TRICARE BENEFICIARIES TO NETWORK RETAIL PHARMACIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating beneficiary access to TRICARE network pharmacies

under the TPharm5 contract and changes in beneficiary access versus the TPharm4 contract.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An analysis of pharmacy access in rural areas under such contracts, including:

(A) The number of TRICARE beneficiaries and number of TRICARE network retail pharmacies located in rural areas.

(B) The average drive time to the nearest TRICARE network retail pharmacy for a beneficiary residing in rural areas.

(C) The number of beneficiaries who live farther than a 15-minute drive to a TRICARE retail network pharmacy.

(D) An assessment of medication compliance rates for beneficiaries residing in rural areas for the three years prior to October 24, 2022, compared to the period-to-date following October 24, 2022.

(2) An analysis of TRICARE retail pharmacy network capabilities under such contracts, including the number of network pharmacies offering—

(A) long-term care services;

(B) prescription drug compounding services; and

(C) home infusion therapy services.

(3) An analysis of affected beneficiaries and their use of the TRICARE Pharmacy program under TPharm4 and TPharm5, including:

(A) Data on affected beneficiaries' use of MTF pharmacies, TRICARE mail order program, Accredo, departed retail pharmacies, network retail pharmacies.

(B) An assessment of medication compliance rates for affected beneficiaries for the three years prior to October 24, 2022, compared to the period-to-date following October 24, 2022.

(C) Data on affected beneficiaries' use of pharmacies that offer long-term care services, compound pharmacies, home infusion therapy.

(D) The number of affected beneficiaries and number of total TRICARE beneficiaries by age group: under age 18, 18–24, 25–44, 45–64, 65–79, 80 and older.

(4) An analysis on the effect on long-term care residents under TPharm4 and TPharm5, including:

(A) The number of beneficiaries who filled at least one prescription at a pharmacy that provides long-term care services.

(B) The number of beneficiaries who filled prescriptions at a single long-term care pharmacy only with no prescriptions filled via mail order, MTF pharmacy, or another retail pharmacy.

(5) An analysis of non-network pharmacy use by TRICARE beneficiaries under TPharm4 and TPharm5, disaggregated by rural beneficiaries, non-rural beneficiaries, affected beneficiaries, rural affected beneficiaries, and non-rural affected beneficiaries:

(A) The number of beneficiaries who used a non-network pharmacy.

(B) The number of non-network claims submitted.

(C) For all non-network claims submitted—

(i) the average TRICARE allowed amount per prescription;

(ii) the average TRICARE amount paid per prescription; and

(iii) the average beneficiary out-of-pocket cost per prescription.

(c) DEFINITIONS.—In this section:

(1) The term ''affected beneficiary'' means a beneficiary who filled at least one prescription in the year preceding October 24, 2022, at a departed pharmacy.

(2) The term ''beneficiary'' has the meaning given that term in section 1074g(i) of title 10, United States Code.

(3) The term ''departed retail pharmacy'' means a retail pharmacy that participated in the TRICARE network in September 2022 but left the network with the transition to the TPharm5 contract.

(4) The term ''network pharmacy'' means a retail pharmacy described in section 1074g(a)(2)(E)(ii) of title 10, United States Code.

(5) The term ''rural''—

(A) with regards to a location, has the meaning given such term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)); and

(B) with regards to a beneficiary, has the meaning used by the Secretary of Defense in

the administration of section 1074g of title 10, United States Code.

(6) The term ''TPharm4'' means the period covered by the 4th Generation pharmacy contract under TRICARE prior to October 24, 2022, when the retail network reduction went into effect.

(7) The term ''TPharm5'' means the period covered by the 5th Generation pharmacy contract under TRICARE to date.

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