H.R. 1

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

IN THE HOUSE OF REPRESENTATIVES

Mr. Smith of Nebraska introduced the following bill; which was referred to the Committee on ____________________

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—
(1) in paragraph (2)—

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

(B) in subparagraph (JJ), by striking the period at the end and inserting “; and” ; and

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

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

“(i) are furnished by a pharmacist—

“(I) as licensed under State law; or

“(II) pursuant to a Federal emergency authority described under section 319F–3 or section 361 of the Public Health Service Act, or other similar Federal law;

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

“(iii) are services—

“(I) for encounters for the evaluation and management of patients for testing or treatment for COVID–19, influenza, res-
piratory syncytial virus, or streptococcal
pharyngitis; or
“(II) that address a public health
need related to a public health emergency
under section 319F–3 or section 361 of
the Public Health Service Act, or other
similar Federal law.”; and

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

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

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

(2) by inserting before the semicolon at the end
the following: “and (II) with respect to pharmacist
services described in section 1861(s)(2)(KK), the
amounts paid shall be equal to 80 percent of the
lesser of (i) the actual charge for the services or (ii)
85 percent (or 100 percent, in the case of such serv-
ices furnished pursuant to a Federal emergency au-
thority described in clause (i)(II) of such section) of
the amount determined under the payment basis
under section 1848 for such services.”.
(c) **Prohibition on Balance Billing for Pharmacist Services.**—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following:

“(ix) A pharmacist.”

(d) **Rule of Construction.**—Nothing in this section shall be construed to restrict the ability of pharmacies and pharmacists to enroll and obtain reimbursement under existing pathways under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as of the date of the enactment of this Act, including payment as mass immunizers.

(e) **Implementation Authority.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall implement the provisions of, and the amendments made by, this section by interim final rule, program instruction, or otherwise not later than the date that is 60 days after the date of the enactment of this Act.