

# Union Calendar No. 581

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4841

**[Report No. 115–747, Part I]**

To amend title XVIII of the Social Security Act to provide for electronic prior authorization under Medicare part D for covered part D drugs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2018

Mr. SCHWEIKERT (for himself, Mr. BEN RAY LUJÁN of New Mexico, Mr. JOHNSON of Ohio, and Mr. THOMPSON of California) 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

JUNE 12, 2018

Additional sponsors: Mrs. WALORSKI, Mr. MARSHALL, Mr. ROKITA, Mr. YOUNG of Iowa, Mr. BLUMENAUER, Mr. NORCROSS, Mr. DUNN, Mr. STIVERS, Mr. KELLY of Pennsylvania, Mr. RENACCI, Mr. BISHOP of Michigan, Ms. MATSUI, Mr. JONES, Ms. SINEMA, Mr. SESSIONS, Mr. RASKIN, Mrs. BLACKBURN, Mr. WALDEN, Mr. BACON, Mr. WEBSTER of Florida, Mr. CRAMER, Mr. SCHIFF, and Mr. KENNEDY

JUNE 12, 2018

Reported from the Committee on Energy and Commerce with an amendment  
[Strike out all after the enacting clause and insert the part printed in *italic*]

JUNE 12, 2018

The Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on January 18, 2018]

# **A BILL**

To amend title XVIII of the Social Security Act to provide for electronic prior authorization under Medicare part D for covered part D drugs, and for other purposes.

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 “Standardizing Elec-*  
5 *tronic Prior Authorization for Safe Prescribing Act of*  
6 *2018”.*

7 **SEC. 2. ELECTRONIC PRIOR AUTHORIZATION FOR COVERED**

8 **PART D DRUGS.**

9 *(a) INCLUSION IN ELECTRONIC PRESCRIPTION PRO-*  
10 *GRAM.—Section 1860D–4(e)(2) of the Social Security Act*  
11 *(42 U.S.C. 1395w–104(e)(2)) is amended by adding at the*  
12 *end the following new subparagraph:*

13 *“(E) ELECTRONIC PRIOR AUTHORIZA-*  
14 *TION.—*

15 *“(i) IN GENERAL.—Not later than Jan-*  
16 *uary 1, 2021, the program shall provide for*  
17 *the secure electronic transmittal of—*

18 *“(I) a prior authorization request*  
19 *from the prescribing health care profes-*  
20 *sional for coverage of a covered part D*  
21 *drug for a part D eligible individual*  
22 *enrolled in a part D plan (as defined*  
23 *in section 1860D–23(a)(5)) to the PDP*  
24 *sponsor or Medicare Advantage organi-*  
25 *zation offering such plan; and*

1           “(II) a response, in accordance  
2           with this subparagraph, from such  
3           PDP sponsor or Medicare Advantage  
4           organization, respectively, to such pro-  
5           fessional.

6           “(ii) *ELECTRONIC TRANSMISSION.*—

7           “(I) *EXCLUSIONS.*—For purposes  
8           of this subparagraph, a facsimile, pro-  
9           prietary payer portal that meets such  
10          standards as specified by the Secretary,  
11          or electronic form shall not be treated  
12          as an electronic transmission described  
13          in clause (i).

14          “(II) *STANDARDS.*—In order to be  
15          treated, for purposes of this subpara-  
16          graph, as an electronic transmission  
17          described in clause (i), such trans-  
18          mission shall comply with technical  
19          standards adopted by the Secretary in  
20          consultation with the National Council  
21          for Prescription Drug Programs, other  
22          standard setting organizations deter-  
23          mined appropriate by the Secretary,  
24          and stakeholders including PDP spon-  
25          sors, Medicare Advantage organiza-

1                    *tions, health care professionals, and*  
2                    *health information technology software*  
3                    *vendors.”.*

4            *(b) SENSE OF CONGRESS REGARDING ELECTRONIC*  
5 *PRIOR AUTHORIZATION.—It is the sense of the Congress*  
6 *that—*

7                    *(1) there should be increased use of electronic*  
8                    *prior authorizations for coverage of covered part D*  
9                    *drugs for part D eligible individuals enrolled in pre-*  
10                    *scription drug plans under part D of title XVIII of*  
11                    *the Social Security Act and MA–PD plans under*  
12                    *part C of such title to reduce access delays by resolv-*  
13                    *ing coverage issues before prescriptions for such drugs*  
14                    *are transmitted; and*

15                    *(2) greater priority should be placed on increas-*  
16                    *ing the adoption of use of such electronic prior au-*  
17                    *thorizations among prescribers of such drugs, phar-*  
18                    *macies, PDP sponsors, and Medicare Advantage orga-*  
19                    *nizations.*

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