

109TH CONGRESS
2^D SESSION

S. 2184

To amend title XVIII of the Social Security Act to provide residents of long-term care facilities with assistance with respect to prescription drug coverage under part D of such title for the resident.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2006

Mr. SCHUMER 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 residents of long-term care facilities with assistance with respect to prescription drug coverage under part D of such title for the resident.

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 “Long-Term Care Resi-
5 dent Part D Assistance Act of 2006”.

1 **SEC. 2. PART D ASSISTANCE FOR RESIDENTS OF LONG-**
2 **TERM CARE FACILITIES.**

3 (a) IN GENERAL.—Section 1860D–42 of the Social
4 Security Act (42 U.S.C. 1395w–152) is amended by add-
5 ing at the end the following new subsection:

6 “(c) ASSISTANCE FOR RESIDENTS OF LONG-TERM
7 CARE FACILITIES.—

8 “(1) PROCEDURES AND WAIVER OF REQUIRE-
9 MENTS.—

10 “(A) IN GENERAL.—The Secretary shall
11 establish procedures and may waive require-
12 ments of this part as necessary to provide as-
13 sistance to residents of long-term care facilities
14 with respect to coverage under this part for the
15 resident.

16 “(B) REQUIREMENTS.—The procedures
17 under subparagraph (A) shall include at least
18 the following:

19 “(i) DEDICATED TOLL-FREE NUM-
20 BER.—The establishment of a toll-free tele-
21 phone number for staff members of long-
22 term care facilities to request information
23 regarding coverage under this part for the
24 resident.

25 “(ii) ASSISTANCE IN SELECTING A
26 PLAN RATHER THAN AUTO ENROLLMENT

1 IN A RANDOM PLAN.—Notwithstanding
2 section 1860D–1(b)(1)(C), in the case of a
3 part D eligible individual who is a full-ben-
4 efit dual eligible individual (as defined in
5 section 1935(c)(6)), who is a resident of a
6 long-term care facility, and who has failed
7 to enroll in a prescription drug plan or an
8 MA–PD plan, rather than randomly enroll-
9 ing such an individual in a plan pursuant
10 to such section, the Secretary shall coordi-
11 nate with the resident and the long-term
12 care facility to facilitate selection of and
13 enrollment in the most appropriate plan
14 under this part for the resident.

15 “(iii) REIMBURSEMENT OF CERTAIN
16 COSTS.—The provision of reimbursement
17 to long-term care facilities for the following
18 costs:

19 “(I) COSTS ASSOCIATED WITH
20 NEW REQUIREMENTS.—Costs associ-
21 ated with the requirements under
22 paragraph (2).

23 “(II) PRESCRIPTION DRUG EX-
24 PENDITURES FOR COVERED PART D
25 DRUGS.—The amount that the long-

1 term care facility expends for payment
2 for covered part D drugs for residents
3 of the long-term care facility who are
4 part D eligible individuals enrolled in
5 a prescription drug plan under this
6 part but were unable to access on a
7 timely basis prescription drug benefits
8 to which they were entitled under
9 such plan.

10 “(III) PROVIDING PART D AS-
11 SISTANCE FOR RESIDENTS OF LONG-
12 TERM CARE FACILITIES.—Costs asso-
13 ciated with providing part D assist-
14 ance for residents of long-term care
15 facilities (including technical assist-
16 ance in filling prescriptions, time
17 spent waiting on the telephone or on-
18 line to determine what plan a resident
19 is enrolled in, and costs associated
20 with advocating for residents by filing
21 appeals or facilitating plan changes).

22 “(2) REQUIREMENTS FOR LONG-TERM CARE
23 FACILITIES.—

24 “(A) IN GENERAL.—In the case of a long-
25 term care facility receiving reimbursement

1 under this title, the facility shall have in place
2 procedures for—

3 “(i) educating residents who are part
4 D eligible individuals about the prescrip-
5 tion drug coverage available through plans
6 under this part; and

7 “(ii) providing technical assistance,
8 phone support, and counseling for such
9 residents to facilitate selection of and en-
10 rollment in the most appropriate plan
11 under this part for the resident.

12 “(B) REQUIREMENT.—The procedures
13 under subparagraph (A) shall include a require-
14 ment that the facility periodically ascertain
15 (and inform the resident regarding) whether or
16 not the plan in which the resident is enrolled
17 in—

18 “(i) provides coverage of the covered
19 part D drugs that the resident requires;
20 and

21 “(ii) has a contract with a pharmacy
22 that supports the facility.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of enactment of
3 this Act.

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