

115TH CONGRESS
2D SESSION

H. R. 4841

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.

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

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”.

1 **SEC. 2. ELECTRONIC PRIOR AUTHORIZATION FOR COV-**
2 **ERED PART D DRUGS.**

3 (a) INCLUSION IN ELECTRONIC PRESCRIPTION PRO-
4 GRAM.—Section 1860D–4(e)(2) of the Social Security Act
5 (42 U.S.C. 1395w–104(e)(2)) is amended by adding at the
6 end the following new subparagraph:

7 “(E) ELECTRONIC PRIOR AUTHORIZA-
8 TION.—

9 “(i) IN GENERAL.—Effective on and
10 after January 1, 2020, the program shall
11 provide for the secure electronic trans-
12 mittal of—

13 “(I) a prior authorization request
14 from the prescribing health care pro-
15 fessional for coverage of a covered
16 part D drug for a part D eligible indi-
17 vidual enrolled in a part D plan (as
18 defined in section 1860D–23(a)(5)) to
19 the PDP sponsor or Medicare Advan-
20 tage organization offering such plan;
21 and

22 “(II) a response, in accordance
23 with this subparagraph, from such
24 PDP sponsor or Medicare Advantage
25 organization, respectively, to such pro-
26 fessional.

1 “(ii) ELECTRONIC TRANSMISSION.—

2 “(I) EXCLUSIONS.—For purposes
3 of this subparagraph, a facsimile, pro-
4 prietary payer portal, or electronic
5 form shall not be treated as an elec-
6 tronic transmission described in clause
7 (i).

8 “(II) STANDARDS.—In order to
9 be treated, for purposes of this sub-
10 paragraph, as an electronic trans-
11 mission described in clause (i), such
12 transmission shall comply with tech-
13 nical standards adopted by the Sec-
14 retary in consultation with the Na-
15 tional Council for Prescription Drug
16 Programs, other standard setting or-
17 ganizations determined appropriate by
18 the Secretary, and stakeholders in-
19 cluding PDP sponsors, Medicare Ad-
20 vantage organizations, health care
21 professionals, and health information
22 technology software vendors.”.

23 (b) SENSE OF CONGRESS REGARDING ELECTRONIC
24 PRIOR AUTHORIZATION.—It is the sense of the Congress
25 that—

1 (1) there should be increased use of electronic
2 prior authorizations for coverage of covered part D
3 drugs for part D eligible individuals enrolled in pre-
4 scription drug plans under part D of title XVIII of
5 the Social Security Act and MA–PD plans under
6 part C of such title to reduce access delays by re-
7 solving coverage issues before prescriptions for such
8 drugs are transmitted; and

9 (2) greater priority should be placed on increas-
10 ing the adoption of use of such electronic prior au-
11 thorizations among prescribers of such drugs, phar-
12 macies, PDP sponsors, and Medicare Advantage or-
13 ganizations.

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