

[DISCUSSION DRAFT]

119TH CONGRESS
1ST SESSION

H. R. _____

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 of the Social Security
9 Act (42 U.S.C. 1395x) is amended—

1 (1) in subsection (s)(2)—

2 (A) in subparagraph (JJ), by adding
3 “and” at the end; and

4 (B) by adding at the end the following new
5 subparagraph:

6 “(KK) pharmacist services (as defined in sub-
7 section (nnn));”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(nnn) PHARMACIST SERVICES.—

11 “(1) IN GENERAL.—The term ‘pharmacist serv-
12 ices’ means such services furnished by a pharmacist,
13 and such services and supplies furnished as an inci-
14 dent to the pharmacist’s service, which the phar-
15 macist is legally authorized to perform under State
16 law as would otherwise be covered if furnished by a
17 physician or as an incident to a physicians’ service
18 which—

19 “(A) in the case such State law requires
20 such services to be furnished under the super-
21 vision of, or working in collaboration with, a
22 physician or practitioner (as defined in section
23 1842(b)(18)(C)(i)), are so furnished under the
24 supervision of, or working in collaboration with,
25 such physician or practitioner in the manner

1 and to the extent as so required by such State
2 law; and

3 “(B) are—

4 “(i) for visits for the evaluation and
5 management of individuals for testing or
6 treatment for COVID–19, influenza, res-
7 piratory syncytial virus, or streptococcal
8 pharyngitis; or

9 “(ii) testing or treatment services that
10 address a public health need related to a
11 public health emergency declared under
12 section 319 of the Public Health Service
13 Act (as determined by the Secretary).

14 “(2) COLLABORATION.—For purposes of this
15 subsection, the term ‘collaboration’ means a process
16 in which a pharmacist works with a physician or
17 practitioner (as defined in section
18 1842(b)(18)(C)(i)), as applicable, to deliver health
19 care services within the scope of the pharmacist’s
20 professional expertise, with medical direction and ap-
21 propriate supervision as provided for in jointly devel-
22 oped guidelines or other mechanisms as defined by
23 the law of the State in which the services are per-
24 formed.”.

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

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

5 (2) by inserting before the semicolon at the end
6 the following: “and (II) with respect to pharmacist
7 services (as defined in section 1861(nnn)), the
8 amounts paid shall be equal to 80 percent of the
9 lesser of (i) the actual charge for the services or (ii)
10 85 percent (or 100 percent, in the case of such serv-
11 ices that address a public health need described in
12 paragraph (2)(B) of such section) of the amount de-
13 termined under the payment basis under section
14 1848 for such services.”.

15 (c) PROHIBITION ON BALANCE BILLING FOR PHAR-
16 MACIST SERVICES.—Section 1842(b)(18) of the Social Se-
17 curity Act (42 U.S.C. 1395u(b)(18)) is amended—

18 (1) in subparagraph (A), by inserting “or a
19 pharmacist” after “a practitioner described in sub-
20 paragraph (C)”; and

21 (2) in subparagraph (B)—

22 (A) in the first sentence, by inserting “, a
23 pharmacist,” after “a practitioner described in
24 subparagraph (C)”; and

25 (B) in the third sentence—

1 (i) by inserting “, a pharmacist,”
2 after “a practitioner”; and

3 (ii) by inserting “, the pharmacist,”
4 after “the practitioner”.

5 (d) APPLICATION.—The amendments made by this
6 section shall apply to items and services furnished on or
7 after January 1, 2026.