

116TH CONGRESS
1ST SESSION

S. _____

To amend title XVIII of the Social Security Act to prevent catastrophic out-of-pocket spending on prescription drugs for seniors and individuals with disabilities.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN (for himself, Mr. BENNET, Mr. CARDIN, Ms. KLOBUCHAR, Mr. MERKLEY, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to prevent catastrophic out-of-pocket spending on prescription drugs for seniors and individuals with disabilities.

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 “Reducing Existing
5 Costs Associated with Pharmaceuticals for Seniors Act of
6 2019” or the “RxCAP Act of 2019”.

1 **SEC. 2. ELIMINATION OF COST-SHARING ABOVE THE MEDI-**
2 **CARE PART D ANNUAL OUT-OF-POCKET**
3 **THRESHOLD.**

4 (a) IN GENERAL.—Section 1860D–2(b)(4)(A) of the
5 Social Security Act (42 U.S.C. 1395w–102(b)(4)(A)) is
6 amended—

7 (1) in clause (i)—

8 (A) by redesignating subclauses (I) and
9 (II) as items (aa) and (bb), respectively, and in-
10 denting appropriately;

11 (B) by striking “subparagraph (B), with
12 cost-sharing” and inserting the following: “sub-
13 paragraph (B)—

14 “(I) for plan years 2006 through
15 2019, with cost-sharing”;

16 (C) in item (bb), as redesignated by sub-
17 paragraph (A), by striking the period at the
18 end and inserting “; and”; and

19 (D) by adding at the end the following new
20 subclause:

21 “(II) for plan year 2020 and sub-
22 sequent plan years, without any cost-
23 sharing.”; and

24 (2) in clause (ii)—

25 (A) by striking “clause (i)(I)” and insert-
26 ing “clause (i)(I)(aa)”;

1 (B) by adding at the end the following new
2 sentence: “The Secretary shall continue to cal-
3 culate the dollar amounts specified in clause
4 (i)(I)(aa), including with the adjustment under
5 this clause, after plan year 2019 for purposes
6 of 1860D–14(a)(1)(D)(iii).”.

7 (b) CONFORMING AMENDMENTS TO LOW-INCOME
8 SUBSIDY.—Section 1860D–14(a) of the Social Security
9 Act (42 U.S.C. 1395w–114(a)) is amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (D)(iii), by striking
12 “1860D–2(b)(4)(A)(i)(I)” and inserting
13 “1860D–2(b)(4)(A)(i)(I)(aa)”; and

14 (B) in subparagraph (E)—

15 (i) in the heading, by inserting
16 “PRIOR TO THE ELIMINATION OF SUCH
17 COST-SHARING FOR ALL INDIVIDUALS”
18 after “THRESHOLD”; and

19 (ii) by striking “The elimination” and
20 inserting “For plan years 2006 through
21 2019, the elimination”; and

22 (2) in paragraph (2)(E)—

23 (A) in the heading, by inserting “PRIOR TO
24 THE ELIMINATION OF SUCH COST-SHARING FOR
25 ALL INDIVIDUALS” after “THRESHOLD”;

- 1 (B) by striking “Subject to” and inserting
2 “For plan years 2006 through 2019, subject
3 to”; and
4 (C) by striking “1860D–2(b)(4)(A)(i)(I)”
5 and inserting “1860D–2(b)(4)(A)(i)(I)(aa)”.