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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 10, United States Code, to improve access to certain medications under the TRICARE program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. KIGGANS of Virginia introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 10, United States Code, to improve access to certain medications under the TRICARE program, 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 “Rx Access, Choice,
5 Cost Equity, and Supply Stability Act” or the “Rx AC-
6 CESS Act”.

1 **SEC. 2. IMPROVEMENTS RELATING TO ACCESS, FAIRNESS,**
2 **AND TRANSPARENCY UNDER TRICARE PHAR-**
3 **MACY BENEFITS PROGRAM.**

4 (a) BENEFICIARY ELECTION OF PRESCRIPTION RE-
5 FILL MEANS.—Section 1074g(a)(9) of title 10, United
6 States Code, is amended—

7 (1) in subparagraph (A), by inserting “, and
8 ending on October 1, 2026” after “Beginning on Oc-
9 tober 1, 2015”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(D) Beginning on October 1, 2026, an eligible cov-
13 ered beneficiary may elect to receive non-generic prescrip-
14 tion maintenance medications through any means de-
15 scribed in paragraph (2)(E).”.

16 (b) PHARMACY BENEFIT MANAGER REIMBURSE-
17 MENT STANDARDS; INDEPENDENT AUDITS.—Section
18 1074g of title 10, United States Code, as amended by sub-
19 section (a), is further amended—

20 (1) by redesignating subsections (i) and (j) as
21 subsections (j) and (k), respectively; and

22 (2) by inserting after subsection (h) the fol-
23 lowing new subsection:

24 “(i) PHARMACY BENEFIT MANAGER REIMBURSE-
25 MENT STANDARDS.—(1) The Secretary of Defense shall
26 ensure that, as a condition of any contract entered into

1 for the administration of the TRICARE pharmacy bene-
2 fits program, reimbursement to a TRICARE retail phar-
3 macy described in subsection (a)(2)(E)(ii) for a pharma-
4 ceutical agent provided under such program shall be an
5 amount that is at least equal to the sum of—

6 “(A) either—

7 “(i) the actual cost to the pharmacy of ac-
8 quiring such pharmaceutical agent from a
9 wholesaler, or

10 “(ii) in the case of a pharmaceutical agent
11 included on the national average drug acquisi-
12 tion cost index published by the Administrator
13 for the Centers for Medicare and Medicaid
14 Services, a proxy amount calculated at a rate
15 that is not lower than the national average ac-
16 quisition cost for such pharmaceutical agent, as
17 identified on such cost index as of the date of
18 the adjudication of the claim for such reim-
19 bursement, and

20 “(B) a professional dispensing fee that is equal
21 to the professional dispensing fee paid by the State
22 in which the pharmacy is located under title XIX of
23 the Social Security Act (42 U.S.C. 1396 et seq.) for
24 dispensing a prescription drug.

1 “(2) The contractor administering the TRICARE
2 pharmacy benefits program may not impose any fees on
3 a TRICARE retail pharmacy, including point-of-sale fees,
4 retroactive fees, or other indirect or hidden fees.

5 “(3)(A) Not less frequently than annually, the Comp-
6 troller General of the United States—

7 “(i) shall conduct an audit of—

8 “(I) data reported by the contractor re-
9 sponsible for the administration of the
10 TRICARE pharmacy benefits program relating
11 to the rates of reimbursement under paragraph
12 (1) and any price concessions; and

13 “(II) the adequacy of the TRICARE retail
14 pharmacy network and access by eligible cov-
15 ered beneficiaries to such network, including
16 with respect to continuity of care, geographic
17 accessibility (taking into account factors in ad-
18 dition to travel time to and from a pharmacy,
19 with special consideration for rural and under-
20 served areas), and the extent to which elections
21 by such beneficiaries under subsection (a)(9) re-
22 flect personal preference; and

23 “(ii) submit the results of such audit to the
24 Committees on Armed Services of the House of Rep-
25 resentatives and the Senate.

1 “(B) The Secretary shall ensure that, as a condition
2 of any contract entered into for the administration of the
3 TRICARE pharmacy benefits program, the contractor
4 provides the Comptroller General information required to
5 conduct the audit under subparagraph (A).”.

6 (c) REPORT.—Not later than 90 days after the date
7 of the enactment of this Act, the Secretary of Defense
8 shall submit to the congressional defense committees (as
9 defined in section 101(a)(16) of title 10, United States
10 Code) a plan for the implementation of this section.