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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title XVIII of the Social Security Act to provide coverage for certain HIV prevention services furnished by pharmacists under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

Mr. POCAN introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title XVIII of the Social Security Act to provide coverage for certain HIV prevention services furnished by pharmacists under the Medicare program.

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 “PrEP Access Act”.

1 **SEC. 2. COVERAGE OF PHARMACIST-PROVIDED HIV PRE-**
2 **VENTION SERVICES UNDER MEDICARE PART**

3 **B.**

4 (a) IN GENERAL.—Section 1861 of the Social Secu-
5 rity Act (42 U.S.C. 1395x) is amended—

6 (1) in subsection (s)(2)—

7 (A) in subparagraph (JJ), by inserting
8 “and” after the semicolon; and

9 (B) by adding at the end the following new
10 subparagraph:

11 “(KK) pharmacist-provided HIV prevention
12 services (as defined in subsection (nnn));”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(nnn) PHARMACIST-PROVIDED HIV PREVENTION
16 SERVICES.—The term ‘pharmacist-provided HIV preven-
17 tion services’ means such services furnished by a phar-
18 macist, and such services and supplies furnished as inci-
19 dent to the pharmacist’s service, as would otherwise be
20 covered if furnished by a physician or as an incident to
21 a physicians’ service that—

22 “(1) the pharmacist is legally authorized to fur-
23 nish under State law; and

24 “(2) are services related to the prevention of
25 human immunodeficiency virus, including evaluation,

1 management, screening, consultation, and counseling
2 services related to—

3 “(A) pre-exposure prophylaxis, post-expo-
4 sure prophylaxis, or other evidence-based inter-
5 ventions for the prevention of human immuno-
6 deficiency virus;

7 “(B) medication administration for such
8 interventions; or

9 “(C) clinical diagnostic laboratory tests re-
10 lated to such interventions.”.

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

13 (1) by striking “and (HH)” and inserting
14 “(HH)”; and

15 (2) by inserting before the semicolon at the end
16 “, and (II) with respect to pharmacist-provided HIV
17 prevention services (as defined in section
18 1861(nnn)), the amounts paid shall be equal to 80
19 percent of the lesser of (i) the actual charge for the
20 services or (ii) 85 percent of the amount determined
21 under the payment basis under section 1848 for
22 such services”.

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

1 (1) in subparagraph (A), by inserting “or a
2 pharmacist” after “a practitioner described in sub-
3 paragraph (C)”;

4 (2) in subparagraph (B)—

5 (A) by inserting “, pharmacist,” after “a
6 practitioner described in subparagraph (C)”;

7 and

8 (B) in the third sentence—

9 (i) by inserting “, pharmacist,” after
10 “a practitioner”; and

11 (ii) by inserting “, pharmacist,” after
12 “the practitioner”; and

13 (3) in subparagraph (D), by inserting “or a
14 pharmacist” after “a practitioner described in sub-
15 paragraph (C)”.

16 (d) CONFORMING AMENDMENT.—Section 1862(a)(1)
17 of the Social Security Act (42 U.S.C. 1395y(a)(1)) is
18 amended—

19 (1) in subparagraph (O), by striking “and” at
20 the end;

21 (2) in subparagraph (P), by striking the semi-
22 colon at the end and inserting “, and”; and

23 (3) by adding at the end the following new sub-
24 paragraph:

1 “(Q) in the case of pharmacist-provided HIV
2 prevention services (as defined in section
3 1861(nnn)), which are not reasonable and necessary
4 for the prevention or detection of human immuno-
5 deficiency virus;”.

6 (e) APPLICATION.—The amendments made by this
7 section shall apply to items and services furnished on or
8 after January 1, 2027.