

## Policy Tracker Archive

118<sup>th</sup> United States Congress (July 1<sup>st</sup> – September 30<sup>th</sup>, 2023)

Purported Policy Intent	Policy Mechanisms	Proposals	Source
Accountability and Oversight	Health Plan Transparency	[Hidden Fee Disclosure Act; Introduced 07/10/2023] To strengthen disclosure requirements of certain employer-sponsored health plans, included increased pharmacy benefit manager transparency.	<a href="#">Rep. Courtney (D-CT)</a>
Accountability and Oversight	Health Plan Transparency	[Transparency in Coverage Act of 2023; Introduced 07/10/2023] To amend the Employee Retirement Income Security Act of 1974 to promote transparency in health coverage by requiring insurers to make public certain data, including claims payment policies and information on cost-sharing and payments for out-of-network coverage.	<a href="#">Rep. Good (R-VA)</a>
Accountability and Oversight	Health Plan Transparency	[Health Care Price Transparency Act; Introduced 07/24/2023] Group health plan will allow beneficiaries to learn the amount of cost-sharing (including deductibles, copayments, and coinsurance) under the beneficiary's plan or coverage that they would be responsible for paying with respect to the specific item or service by a provider in a timely manner upon the request of the individual, and this information will be made through a self-service tool, or at another option of the beneficiary.	<a href="#">Rep. Smith (R-MO)</a>
Accountability and Oversight	Health Plan Transparency	[Health Insurance Price Transparency Act of 2023; Introduced 07/10/2023] To promote group health plan price transparency which includes cost-sharing, rate and payment information, and the establishment of a self-service tool.	<a href="#">Rep. Fitzpatrick (R-PA)</a>
Accountability and Oversight	Health Plan Transparency	[Patient Right to Shop Act; Introduced 07/18/2023] Prohibits health insurance plans from entering contracts with PBMs that conceal drug costs in plans that would be otherwise available through consumer decision-support tools.	<a href="#">Rep. Harshbarger (R-TN)</a>
Accountability and Oversight	Health Plan Transparency	[Lower Costs, More Transparency Act; Introduced 09/08/2023] Group health plans will allow a participant or beneficiary to learn the amount of cost-sharing (including deductibles, copayments, and coinsurance) under the participant or beneficiary's plan that the participant or beneficiary would be responsible for paying with respect to the furnishing of a specific item or service by a	<a href="#">Rep. McMorris Rodgers (R-WA)</a>

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		provider in a timely manner upon the request of the participant or beneficiary. These plans providing pharmacy benefit management services are prohibited from establishing contracts with drug manufacturers, distributors, wholesalers, subcontractors, rebate aggregators, or any third party that refrains from disclosing information to plan sponsors in a manner that prevents the plan or issuer from making reports to the Secretary.	
Accountability and Oversight	Health Plan Transparency	[Medicare Advantage Consumer Protection and Transparency Act; Introduced 09/29/2023] To require complete and accurate data set submissions from Medicare Advantage organizations offering Medicare Advantage plans under part C of the Medicare program to improve transparency.	<a href="#">Rep. Porter (D-CA)</a>
Accountability and Oversight	Manufacturer Transparency	[Lower Costs, More Transparency Act; Introduced 09/08/2023] Manufacturers must disclose information on generic drug applications to the Secretary for further determination of the drug is the same qualitatively and quantitatively as the listed drug.	<a href="#">Rep. McMorris Rodgers (R-WA)</a>
Accountability and Oversight	Manufacturer Transparency	[Medication Affordability and Patent Integrity Act; Introduced 09/13/2023] Requires pharmaceutical drug and biological product manufacturers communicate information consistently to the Food and Drug Administration (FDA) and U.S. Patent and Trademark Office (PTO). This is to prevent unfair extension of exclusivity periods on drugs by submitting partial information on initial patents to the FDA and PTO in an attempt to secure additional patents in the future.	<a href="#">Rep. Hassan (D-NH)</a>
Accountability and Oversight	Manufacturer Transparency	[Prescription Modernization Act of 2023; Introduced 09/26/2023] Require manufacturers to provide prescribing information for drugs to be made solely by electronic means, while also ensuring the option to allow this information to be disseminated in paper form on an as-needed basis.	<a href="#">Sen. Booker (D-NJ)</a>
Accountability and Oversight	PBM Transparency	[Transparency in Coverage Act of 2023; Introduced 07/10/2023] To amend the Employee Retirement Income Security Act of 1974 to reform pharmacy benefit	<a href="#">Rep. Good (R-VA)</a>

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		management services by prohibiting PBMs from entering into contracts with drug manufacturers if they are noncompliant with transparency rules.	
Accountability and Oversight	PBM Transparency	[Medicare PBM Accountability Act; Introduced 07/12/2023] Establish pharmacy benefit manager reporting requirements relative to prescription drug plans and MA-PD plans under Medicare Part D.	<a href="#">Sen. Cortez Masto (D-NV)</a>
Accountability and Oversight	PBM Transparency	[PBM Oversight Act of 2023; Introduced 07/20/2023] To improve oversight of coverage, formulary development and management under Medicare Part D.	<a href="#">Sen. Carper (D-DE)</a>
Accountability and Oversight	PBM Transparency	[Health Care Price Transparency Act; Introduced 07/24/2023] Increase oversight of pharmacy benefit management services by requiring all group insurance plans or insurers to report information on the past year's pharmacy benefits and drug costs to the Department of Health and Human Services, the Department of Labor, the Department of the Treasury, the Comptroller General of the United States, or applicable State agencies.	<a href="#">Rep. Smith (R-MO)</a>
Accountability and Oversight	PBM Transparency	[PBM Reporting Transparency Act; Introduced 07/25/2023] To have the Medicare Payment Advisory Commission (MedPAC) submit two reports to Congress that cover the description of trends and an analysis of any differences in agreements and their effects on plan enrollee out-of-pocket spending and average pharmacy reimbursement with respect to prescription drug plans and MA-PD plans with pharmacy benefit managers.	<a href="#">Sen. Warner (D-VA)</a>
Accountability and Oversight	PBM Transparency	[Lower Costs, More Transparency Act; Introduced 09/08/2023] To establish a contract between the State and a pharmacy benefit manager (PBM), or a contract between the State and a designated entity that includes provisions making the designated entity responsible for the administration of medical assistance consisting of covered outpatient drugs for individuals enrolled with the designated entity, shall require that payment for such drugs and related administrative services (as applicable), including payments made by a PBM on behalf of the State or designated	<a href="#">Rep. McMorris Rodgers (R-WA)</a>

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		entity, is based on pharmacy price reimbursement model.	
Accountability and Oversight	PBM Transparency	[Medicare PBM Accountability Act; Introduced 09/12/2023] To increase transparency among PBMs to define, interpret, and apply terms in an honest and consistent manner to ensure accurate calculations for PBM performance against pricing guarantees or similar cost performance measures related to rebates, discounts, concessions, or net costs.	<a href="#">Rep. Landsman (D-OH)</a>
Accountability and Oversight	PBM Transparency	[Modernizing and Ensuring PBM accountability Act; Introduced 09/28/2023] To establish requirements relating to pharmacy benefit managers under the Medicare and Medicaid programs.	<a href="#">Sen. Wyden (D-OR)</a>
Accountability and Oversight	Provider Transparency	[Health Care Price Transparency Act; Introduced 07/24/2023] Require certain facilities under the Medicare program to disclose certain information regarding hospital charges and prices.	<a href="#">Rep. Smith (R-MO)</a>
Accountability and Oversight	Provider Transparency	[Hospital and ASC Price Transparency Act of 2023; Introduced 07/24/2023] To require certain facilities under the Medicare program to publish the hospital's standard charges on hospital prices for each item or service, diagnosis related group, national drug code, or other identifiers used.	<a href="#">Rep. Steele (R-CA)</a>
Accountability and Oversight	Provider Transparency	[[Lower Costs, More Transparency Act; Introduced 09/08/2023] To enforce hospitals to make standard charges public. This will also encompass each applicable MA organization offering an MA plan will submit to the Secretary, at a time and in a manner specified by the Secretary, which will include the taxpayer identification number for each health care provider in that organization, the total amount of incentive-based payments made to, and the total amount of shared losses collected from these health care providers, and the total amount of incentive-based payments made to (along with shared losses) providers of services and suppliers that have not already been mentioned.	<a href="#">Rep. McMorris Rodgers (R-WA)</a>
Foster Competition	Incentivize generic and biosimilar entry	[Increasing Prescription Drug Competition Act; Introduced 07/17/2023] Patent certifications of generic drug applications that assure safe use of a risk evaluation and	<a href="#">Rep. Slotkin (D-MI)</a>

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		mitigation strategy (which can include restrictions on a drug's distribution) elements to ensure safe use for the applicable listed drug, should have no effect on the effective date of the approval of the drug's application.	
Foster Competition	Incentivize generic and biosimilar entry	[Safe Medicine Act; Introduced 09/19/2023] To direct the Secretaries of Health and Human Services, Defense, and Veterans Affairs to end American over-dependence on Chinese pharmaceuticals by encouraging the growth of a robust domestic medicine supply chain for generic drugs, and to empower the Food and Drug Administration to issue boxed warnings in the case of critical contamination.	<a href="#">Rep. Posey (R-FL)</a>
Reduce costs and improve access for patients	Alternative payment plans	[Value in Health Care Act of 2023; Introduced 07/27/2023] To direct the Secretary of Health and Human Services to revise certain regulations in relation to the Medicare shared savings program and other alternative payment arrangements to encourage participation in such program.	<a href="#">Rep. LaHood (R-IL)</a>
Reduce costs and improve access for patients	Increasing beneficiary choices under Medicare	[Strengthening Pharmacy Access for Seniors Act; Introduced 07/20/2023] To ensure that a PDP sponsor offering a prescription drug plan or pharmacy benefit manager may not restrict or limit access to any covered part D drug to a subset of their network pharmacies, unless a specific drug is designated as a limited access drug. Limited access drugs must have rational on why they are designated as so.	<a href="#">Sen. Thune (R-SD)</a>
Reduce costs and improve access for patients	Increasing beneficiary choices under Medicare	[NO PBMs Act; Introduced 09/12/2023] To ensure pharmacy access and choice for Medicare beneficiaries by allowing the participation of any pharmacy that meets the standard contract terms and conditions under to participate as a network pharmacy of a drug plan.	<a href="#">Rep. Carter (R-GA)</a>
Reduce costs and improve access for patients	Lower OOP costs	[Medicare Patient Access to Cancer Treatment Act; Introduced 07/06/2023] To provide for 'site neutral' payment for cancer care services under part B of the Medicare program. Medicare reimbursement should be equal for the same service provided to a cancer patient regardless of whether the care is delivered in a hospital outpatient department or physician's office.	<a href="#">Rep. Arrington (R-TX)</a>

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Reduce costs and improve access for patients	Lower OOP costs	[Protecting Seniors from High Drug Costs Act; Introduced 07/20/2023] To limit cost-sharing for a covered part D drug so that it does not exceed its negotiated price. A PDP sponsor or an MA organization in violation of this will be subject to civil monetary penalty.	<a href="#">Sen. Casey (D-PA)</a>
Reduce costs and improve access for patients	Lower OOP costs	[Share the Savings with Seniors Act; Introduced 07/25/2023] To ensure appropriate cost-sharing for chronic care drugs under Medicare Part D.	<a href="#">Sen. Cornryn (R-TX)</a>
Reduce costs and improve access for patients	Lower OOP costs	[To amend title XVIII of the Social Security Act to limit cost sharing for drugs under the Medicare program; Introduced 07/25/2023] To limit cost-sharing for prescription drugs.	<a href="#">Rep. Malliotakis (R-NY)</a>
Reduce costs and improve access for patients	Lower OOP costs	[Cutting Copays Act; Introduced 09/12/2023] To establish adjustments to the Medicare Part D cost-sharing reductions for low-income individuals.	<a href="#">Rep. McGarvey (D-KY)</a>
Reduce costs and improve access for patients	Lower OOP costs	[Ensuring Access to Lower-Cost Medicines for Seniors Act of 2023; Introduced 09/14/2023] To require PDP sponsors of a prescription drug plan under Medicare Part D to use a formulary to include certain generic drugs and biosimilar biological products. Relevant to these specific drugs, the formulary will include each covered generic drug for which the wholesale acquisition cost is less than the wholesale acquisition cost of the reference drug of the generic drug, and at least two covered biosimilar biological products for which the wholesale acquisition cost is less than the wholesale acquisition cost for the reference biosimilar.	<a href="#">Rep. Kuster (D-NH)</a>
Reduce costs and improve access for patients	Lower OOP costs	[HANDS Act; Introduced 09/14/2023] To provide no-cost coverage for the preventive distribution of opioid overdose reversal drugs by a licensed clinician in an attempt to remove out-of-pocket costs hurdles for such drugs.	<a href="#">Rep. Pettersen (D-CO)</a>
Reduce costs for government health programs	Allow the Medicare program to negotiate with manufacturers	[Lowering Drug Costs for American Families Act; Introduced 07/26/2023] To expand the drug price negotiation program and apply prescription drug inflation rebates to drugs furnished in the commercial market.	<a href="#">Rep. Pallone (D-NJ)</a>
Reduce costs for government health programs	Increasing manufacturer rebates to government programs	[Protecting Patient Access to Cancer and Complex Therapies Act of 2023; Introduced 09/12/2023] To have Medicare provide for a rebate by manufacturers for selected drugs and biological products subject to maximum	<a href="#">Sen. Barrasso (R-WY)</a>

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		fair price negotiation under Medicare Part B.	