

**Amendment to the Amendment in the Nature of a Substitute to H.R. 3
Offered by Rep. Wenstrup of Ohio**

The amendment would require hospitals to pass along savings from the 340B program directly to consumers to help lower their out-of-pocket costs for drugs.

AMENDMENT

OFFERED BY MR. Wenstrup

Add at the end the following (and conform the table of contents accordingly):

1 **TITLE VI—MISCELLANEOUS**

2 **SEC. 601. TREATMENT OF COST-SHARING FOR CERTAIN**
3 **340B DRUGS.**

4 Section 1833(t)(3) of the Social Security Act (42
5 U.S.C. 1395l(t)(3)) is amended by adding at the end the
6 following new subparagraph:

7 “(H) COST-SHARING FOR CERTAIN
8 DRUGS.—

9 “(i) IN GENERAL.—Notwithstanding
10 any other provision of this subsection, in
11 the case of an applicable covered out-
12 patient drug (as defined in clause (ii)) fur-
13 nished on or after January 1, 2020, to an
14 individual under the system under this
15 subsection by a hospital with respect to
16 which payment has been reduced under
17 this subsection in accordance with the pro-
18 visions under section V.7.b. (relating to
19 OPPS payment rate for 340B purchased

1 drugs) of the final rule titled ‘Medicare
2 Program: Hospital Outpatient Prospective
3 Payment and Ambulatory Surgical Center
4 Payment Systems and Quality Reporting
5 Programs’ published on November 13,
6 2017, in the Federal Register (82 FR
7 52495–52497), the copayment that shall
8 apply under this subsection with respect to
9 such drug shall be calculated based on
10 such reduced payment amount to such hos-
11 pital pursuant to such rule.

12 “(ii) APPLICABLE COVERED OUT-
13 PATIENT DRUG.—For purposes of clause
14 (i), the term ‘applicable covered outpatient
15 drug’ is a covered outpatient drug—

16 “(I) that is subject to an agree-
17 ment under section 340B of the Pub-
18 lic Health Service Act; and

19 “(II) to which the provisions
20 under the section V.7.b described in
21 clause (i) apply.”.

22 **SEC. 602. SENSE OF CONGRESS RELATING TO 340B DRUG**
23 **DISCOUNT PROGRAM.**

24 It is the sense of Congress that the purpose of the
25 drug discount program under section 340B of the Public

1 Health Service Act (42 U.S.C. 256b) is to lower out-of-
2 pocket drugs costs for low-income and uninsured individ-
3 uals.

