

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to provide pharmacy payment of certain services.

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IN THE SENATE OF THE UNITED STATES

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Mr. THUNE (for himself and Mr. WARNER) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To amend title XVIII of the Social Security Act to provide  
pharmacy payment of certain services.

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 “Equitable Community  
5 Access to Pharmacist Services Act”.

6 **SEC. 2. COVERAGE OF PHARMACIST SERVICES UNDER**  
7 **MEDICARE PART B.**

8 (a) COVERAGE.—Section 1861 of the Social Security  
9 Act (42 U.S.C. 1395x) is amended—

10 (1) in subsection (s)(2)—

1 (A) in subparagraph (JJ), by adding  
2 “and” at the end; and

3 (B) by adding at the end the following new  
4 subparagraph:

5 “(KK) pharmacist services (as defined in sub-  
6 section (nnn));”; and

7 (2) by adding at the end the following new sub-  
8 section:

9 “(nnn) PHARMACIST SERVICES.—

10 “(1) IN GENERAL.—The term ‘pharmacist serv-  
11 ices’ means such services furnished by a pharmacist,  
12 and such services and supplies furnished as an inci-  
13 dent to the pharmacist’s service, which the phar-  
14 macist is legally authorized to perform under State  
15 law as would otherwise be covered if furnished by a  
16 physician or as an incident to a physicians’ service  
17 which—

18 “(A) in the case such State law requires  
19 such services to be furnished under the super-  
20 vision of, or working in collaboration with, a  
21 physician or practitioner (as defined in section  
22 1842(b)(18)(C)(i)), are so furnished under the  
23 supervision of, or working in collaboration with,  
24 such physician or practitioner in the manner

1           and to the extent as so required by such State  
2           law; and

3           “(B) are—

4                   “(i) for visits for the evaluation and  
5                   management of individuals for testing or  
6                   treatment for COVID–19, influenza, res-  
7                   piratory syncytial virus, or streptococcal  
8                   pharyngitis; or

9                   “(ii) testing or treatment services that  
10                  address a public health need related to a  
11                  public health emergency declared under  
12                  section 319 of the Public Health Service  
13                  Act (as determined by the Secretary).

14           “(2) COLLABORATION.—For purposes of this  
15           subsection, the term ‘collaboration’ means a process  
16           in which a pharmacist works with a physician or  
17           practitioner (as defined in section  
18           1842(b)(18)(C)(i)), as applicable, to deliver health  
19           care services within the scope of the pharmacist’s  
20           professional expertise, with medical direction and ap-  
21           propriate supervision as provided for in jointly devel-  
22           oped guidelines or other mechanisms as defined by  
23           the law of the State in which the services are per-  
24           formed.”.

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

3 (1) by striking “and (HH)” and inserting  
4 “(HH)”; and

5 (2) by inserting before the semicolon at the end  
6 the following: “, and (II) with respect to pharmacist  
7 services (as defined in section 1861(nnn)), the  
8 amounts paid shall be equal to 80 percent of the  
9 lesser of (i) the actual charge for the services or (ii)  
10 85 percent (or 100 percent, in the case of such serv-  
11 ices that address a public health need described in  
12 paragraph (2)(B) of such section) of the amount de-  
13 termined under the payment basis under section  
14 1848 for such services.”.

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

18 (1) in subparagraph (A), by inserting “or a  
19 pharmacist” after “a practitioner described in sub-  
20 paragraph (C)”; and

21 (2) in subparagraph (B)—

22 (A) in the first sentence, by inserting “, a  
23 pharmacist,” after “a practitioner described in  
24 subparagraph (C)”; and

25 (B) in the third sentence—

1 (i) by inserting “, a pharmacist,”  
2 after “a practitioner”; and

3 (ii) by inserting “, the pharmacist,”  
4 after “the practitioner”.

5 (d) APPLICATION.—The amendments made by this  
6 section shall apply to items and services furnished on or  
7 after January 1, 2026.