

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4928

To amend part D of title XVIII of the Social Security Act to provide for counting expenses for nonformulary drugs against the Medicare annual out-of-pocket threshold for costs for covered part D drugs.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2006

Mr. ROSS (for himself, Mr. SCOTT of Virginia, Mr. DOYLE, and Mr. BERRY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend part D of title XVIII of the Social Security Act to provide for counting expenses for nonformulary drugs against the Medicare annual out-of-pocket threshold for costs for covered part D drugs.

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 “Medicare Doughnut  
5 Hole Assistance Act of 2006”.

1 **SEC. 2. COUNTING EXPENSES FOR NONFORMULARY DRUGS**  
2 **AGAINST THE MEDICARE ANNUAL OUT-OF-**  
3 **POCKET THRESHOLD FOR COSTS FOR COV-**  
4 **ERED PART D DRUGS.**

5 (a) **IN GENERAL.**—Section 1860D–2(b)(4)(C) (42  
6 U.S.C. 1395w–102(b)) is amended by striking “, but does  
7 not include any costs incurred for covered part D drugs  
8 which are not included (or treated as being included) in  
9 the plan’s formulary” and inserting “, and includes costs  
10 incurred for covered part D drugs regardless of whether  
11 the drugs are included (or treated as being included) in  
12 the plan’s formulary”.

13 (b) **EFFECTIVE DATE.**—The amendment made by  
14 subsection (a) shall be applied as if it were included in  
15 the enactment of the Medicare Prescription Drug, Im-  
16 provement, and Modernization Act of 2003 (Public Law  
17 108–173).

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