

111TH CONGRESS
1ST SESSION

S. 1746

To amend title XVIII of the Social Security Act to exempt small pharmacies from certain Medicare accreditation requirements for the purpose of providing diabetic testing strips under part B.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2009

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to exempt small pharmacies from certain Medicare accreditation requirements for the purpose of providing diabetic testing strips under part B.

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. EXEMPTION OF SMALL PHARMACIES PRO-**
4 **VIDING DIABETIC TESTING STRIPS FROM**
5 **CERTAIN MEDICARE ACCREDITATION RE-**
6 **QUIREMENTS.**

7 (a) IN GENERAL.—Section 1834(a)(20) of the Social
8 Security Act (42 U.S.C. 1395m(a)(20)) is amended—

1 (1) in subparagraph (F)—

2 (A) in clause (i)—

3 (i) by striking “clause (ii)” and in-
4 serting “clauses (ii) and (iii)”; and

5 (ii) by striking “and” at the end;

6 (B) in clause (ii), by striking the period at
7 the end and inserting “; and”; and

8 (C) by adding at the end the following new
9 clause:

10 “(iii) such standards and the accredi-
11 tation requirement of clause (i) shall not
12 apply to a small pharmacy (as defined in
13 subparagraph (G)) with respect to the fur-
14 nishing of diabetic testing strips.”; and

15 (2) by adding at the end the following new sub-
16 paragraph:

17 “(G) DEFINITION OF SMALL PHARMACY.—

18 For purposes of subparagraph (F)(iii), the term
19 ‘small pharmacy’ means a pharmacy—

20 “(i) with 10 or less distinct locations
21 under sole or common control or owner-
22 ship, each of which has a license specific to
23 that location; and

24 “(ii) whose average total sales across
25 all such locations is less than or equal to—

1 “(I) for 2009, \$6,500,000; and
2 “(II) for a subsequent year, the
3 dollar amount specified in this clause
4 for the previous year increased by the
5 annual percentage increase in the con-
6 sumer price index (all items; U.S. city
7 average) as of June of such previous
8 year.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect as if included in the enact-
11 ment of section 154(b)(1)(A) of the Medicare Improve-
12 ments for Patients and Providers Act of 2008 (Public Law
13 110–275; 122 Stat. 2564).

○