

109TH CONGRESS
2^D SESSION

H. R. 5433

To amend title XVIII of the Social Security Act to provide for a Medicare Prescription Drug Ombudsman.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2006

Ms. HOOLEY (for herself, Mr. DEFAZIO, and Mr. BLUMENAUER) 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

A BILL

To amend title XVIII of the Social Security Act to provide for a Medicare Prescription Drug Ombudsman.

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. MEDICARE PRESCRIPTION DRUG OMBUDSMAN.**

4 Section 1808 of the Social Security Act (42 U.S.C.
5 1395b–9) is amended by adding at the end the following
6 new subsection:

7 “(d) MEDICARE PRESCRIPTION DRUG OMBUDS-
8 MAN.—

1 “(1) IN GENERAL.—There is hereby established
2 within the Department of Health and Human Serv-
3 ices an Office of the Medicare Prescription Drug
4 Ombudsman (in this subsection referred to as the
5 ‘Office’) to be headed by a Medicare Prescription
6 Drug Ombudsman appointed by the Secretary. The
7 Secretary shall appoint as such Ombudsman an indi-
8 vidual who has expertise and experience in the fields
9 of health care and education of (and assistance to)
10 individuals entitled to benefits under this title with
11 respect to prescription drug coverage under part D.

12 “(2) DUTIES.—The Medicare Prescription
13 Drug Ombudsman through the Office shall—

14 “(A) receive complaints, grievances, and
15 requests for information submitted by individ-
16 uals entitled to benefits under part D, partici-
17 pating pharmacists, physicians, and hospitals;

18 “(B) provide assistance with respect to
19 complaints, grievances, and requests referred to
20 in subparagraph (A), including—

21 “(i) assistance in collecting relevant
22 information for such individuals and seek-
23 ing appeal of a decision or determination
24 made by a PDP sponsor or MA organiza-
25 tion;

1 “(ii) assistance to such individuals
2 with any issues arising from disenrollment
3 from a PDP under part C or an MA–PD
4 plan under part D; and

5 “(iii) registering complaints about the
6 benefits under prescription drug plans and
7 MA–PD plans and helping resolve disputes
8 between the Centers for Medicare and
9 Medicaid, sponsors of prescription drug
10 plans, and organizations offering MA–PD
11 plans and individuals entitled to benefits
12 under part D, participating pharmacists,
13 physicians, and hospitals;

14 “(C) provide assistance to beneficiaries in
15 relation to State medicaid programs under title
16 XIX and drug manufacturers in accessing
17 medically necessary drugs that are excluded
18 from coverage under part D; and

19 “(D) submit annual reports to Congress
20 and the Secretary that describe the activities of
21 the Office and that include such recommenda-
22 tions for improvement in the administration of
23 part D as the Medicare Prescription Drug Om-
24 budsman determines appropriate.

1 The annual report under subparagraph (D) in 2007
2 and 2009 shall include information on the number
3 of cases described in subparagraph (C) that are han-
4 dled and the success rates in finding alternative
5 sources of prescription drug coverage.”.

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