

Cantwell Amendment #1 to the Chairman's Mark of the Prescription Drug Pricing Reduction Act of 2019 (co-sponsored by Senators Stabenow, Cardin, Brown, Hassan)

Short Title: Requiring a report by the Secretary of Health and Human Services related to drug shortages in the Medicare program

Description of Amendment:

At the appropriate place in the Chairman's Mark, the amendment would require the Secretary of Health and Human Services to issue a public report to Congress related to shortages of generic drugs within the Medicare program. The report shall be issued no later than January 1, 2021. The report shall include an analysis of:

- a) The effect of generic drug shortages on Medicare beneficiary access, quality, safety, and out-of-pocket costs;
- b) The effect of generic drug shortages on health providers, including hospitals and physicians, across the Medicare program;
- c) The current role of the Centers for Medicare and Medicaid Services (CMS) in addressing generic drug shortages, including CMS's working relationship and communication with other federal agencies and stakeholders;
- d) The role of all actors in the generic drug supply chain (including drug manufacturers, distributors, wholesalers, secondary wholesalers, group purchasing organizations, hospitals, and physicians) on generic drug shortages within the Medicare program;
- e) Medicare Part A and Part B reimbursement structures and incentives and their effect, if any, on generic drug shortages;
- f) Whether shortages may be addressed by the establishment of an emergency supply program for generic drugs similar to the Strategic National Stockpile operated by the U.S. Department of Health and Human Services Assistant Secretary for Preparedness and Response.

The report shall provide relevant findings and recommendations to Congress. Such report shall include consultation with the Food and Drug Administration's Drug Shortages Task Force.

Offset: To be provided, if necessary