

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3164
OFFERED BY MR. SMITH OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Main Street Pharmacy
3 Access Act”.

**4 SEC. 2. COVERAGE OF PHARMACIST SERVICES UNDER
5 MEDICARE PART B.**

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

8 (1) in subsection (s)(2)—

9 (A) in subparagraph (JJ), by striking
10 “and” at the end;

11 (B) in subparagraph (KK), by adding
12 “and” at the end; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(LL) pharmacist services (as defined in sub-
16 section (ooo));”; and

17 (2) by adding at the end the following new sub-
18 section:

1 “(000) PHARMACIST SERVICES.—

2 “(1) IN GENERAL.—The term ‘pharmacist serv-
3 ices’ means such services furnished by a pharmacist,
4 and such services and supplies furnished as an inci-
5 dent to the pharmacist’s service, which the phar-
6 macist is legally authorized to perform under State
7 law as would otherwise be covered if furnished by a
8 physician or as an incident to a physicians’ service
9 which—

10 “(A) in the case such State law requires
11 such services to be furnished under the super-
12 vision of, or working in collaboration with, a
13 physician or practitioner (as defined in section
14 1842(b)(18)(C)(i)), are so furnished under the
15 supervision of, or working in collaboration with,
16 such physician or practitioner in the manner
17 and to the extent as so required by such State
18 law; and

19 “(B) are medical visits in any of the cat-
20 egories of HCPCS evaluation and management
21 service codes described in section
22 1833(cc)(1)(B) for testing or treatment of indi-
23 viduals for—

1 “(i) COVID–19, influenza, respiratory
2 syncytial virus, or streptococcal pharyn-
3 gitis; or

4 “(ii) a health condition related to a
5 public health emergency declared under
6 section 319 of the Public Health Service
7 Act, as determined by the Secretary.

8 “(2) COLLABORATION.—For purposes of this
9 subsection, the term ‘collaboration’ means a process
10 in which a pharmacist works with a physician or
11 practitioner (as defined in section
12 1842(b)(18)(C)(i)), as applicable, to deliver health
13 care services within the scope of the pharmacist’s
14 professional expertise, with medical direction and ap-
15 propriate supervision as provided for in jointly devel-
16 oped guidelines or other mechanisms as defined by
17 the law of the State in which the services are per-
18 formed.”.

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

21 (1) by striking “and (HH)” and inserting
22 “(HH)”; and

23 (2) by inserting before the semicolon at the end
24 the following: “and (II) with respect to pharmacist
25 services (as defined in section 1861(ooo)), the

1 amounts paid shall be equal to 80 percent of the
2 lesser of (i) the actual charge for the services or (ii)
3 85 percent of the amount determined under the pay-
4 ment basis under section 1848 for such services.”.

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

8 (1) in subparagraph (A), by inserting “or a
9 pharmacist” after “a practitioner described in sub-
10 paragraph (C)”; and

11 (2) in subparagraph (B)—

12 (A) in the first sentence, by inserting “, a
13 pharmacist,” after “a practitioner described in
14 subparagraph (C)”; and

15 (B) in the third sentence—

16 (i) by inserting “, a pharmacist,”
17 after “a practitioner”; and

18 (ii) by inserting “, the pharmacist,”
19 after “the practitioner”.

20 (d) APPLICATION.—The amendments made by this
21 section shall apply to items and services furnished on or
22 after January 1, 2028.

1 SEC. 3. MEDICARE IMPROVEMENT FUND REDUCTION.

2 Section 1898(b)(1) of the Social Security Act (42
3 U.S.C. 1395iii(b)(1)) is amended by striking
4 “\$2,062,000,000” and inserting “\$0”.

