

November 9, 2023

Senate Finance Committee Advances Bipartisan Health Care Bill

On Wednesday (November 8), the Senate Finance Committee unanimously advanced the bipartisan Better Mental Health Care, Lower-Cost Drugs, and Extenders Act, which aims to expand access to mental health care, address certain pharmacy benefit manager (PBM) practices that affect access to community pharmacies and increase out-of-pocket costs, extend certain Medicare and Medicaid programs set to expire, and shore up Medicare physician payments. Specifically, the bill extends health professional shortage area (HPSA) bonus payments to practitioners offering mental health services; expands Medicare-covered behavioral health services furnished by licensed or certified clinical social workers; provides financial incentives for primary and behavioral health care integration; requires new state guidance to support mental health services; and more.

Further, the bill includes provisions to require the Department of Health and Human Services (HHS) to collect data on drug acquisition costs, require plans to include discount-eligible drugs in formularies and tie cost-sharing to the drugs' net price, and require Part D prescription drug plan sponsors to have a minimum share of in-network pharmacies in underserved areas that are not tied to a PBM or sponsor and abide by "any willing pharmacy" provisions. The bill also includes a 1.25% bump to the CY 2024 Medicare Physician Fee Schedule, extends the APM bonus payments at 1.75%, averts Medicaid Disproportionate Share Hospital pay cuts, delays by one-year certain Medicare laboratory cuts, and extends the 75/25 blended Medicare reimbursement rate for durable medical equipment in non-competitive bid areas through 2024.

While some lawmakers saw their health care priorities added to the chairman's mark prior to the hearing, dozens of other amendments including those on site-neutral payment, graduate medical education, prior authorization and biosimilars were offered and withdrawn, with members and the chair agreeing to continue to evaluate many of the proposals.

- *For more information:* <https://www.finance.senate.gov/hearings/open-executive-session-to-consider-an-original-bill-entitled-the-better-mental-health-care-lower-cost-drugs-and-extenders-act>

Mark-up details

S._ Better Mental Health Care, Lower-Cost Drugs, and Extenders Act

- *High-level summary:* The bipartisan bill from Chair Ron Wyden (D-OR) and Ranking Member Mike Crapo (R-ID) would expand Medicare and Medicaid beneficiaries' access to mental health care and substance use disorder services, address certain PBM practices to help lower out-of-pocket costs for seniors and support community pharmacies, extend expiring Medicare and Medicaid programs, and increase Medicare payments to providers.
- *Outcome:* Ordered to be favorably reported in a 26-0 vote. Sen. Ron Johnson (R-WI) abstained from the vote after expressing concerns about the PBM proposals and the process.

If you have questions, please contact [Heather Meade](#) or [Heather Bell](#).

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