

Regulations to reduce duplicate discount risks

Section 1927(j)(1) [42 U.S.C. 1396r-8(j)(1)] is amended by striking subparagraph (B) and replacing it with the following new subparagraph:

“(B) Not later than one year after the date of the enactment of this subparagraph, the Secretary shall use existing regulatory authority to prevent duplicate discounts by contracting with a neutral third party vendor to assist with identifying 340B Medicaid claims and removing such claims from state rebate requests in a manner that ensures compliance with the prohibition against duplicate discounts under paragraph (1)(A) applicable to Medicaid managed care enrollees.

(i) The third party vendor will

- (I) request and receive claims level data from 340B covered entities reflecting 340B utilization for Medicaid managed care patients;
- (II) request and receive claims level rebate file data from state Medicaid agencies; and
- (III) remove from the rebate file 340B claims that would result in duplicate discounts.

(ii) Covered entities and states shall be required by the Secretary to provide the requested data.

(iii) The vendor shall request and receive information in a confidential manner.”