

## S 1239

### 340B Program Improvement and Integrity Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Health

**Introduced:** Jun 11, 2009

**Current Status:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure

**Latest Action:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced: CR S6546-6548) (Jun 11, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/1239>

### Sponsor

**Name:** Sen. Bingaman, Jeff [D-NM]

**Party:** Democratic • **State:** NM • **Chamber:** Senate

### Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Jun 11, 2009
Sen. Thune, John [R-SD]	R · SD		Jun 11, 2009
Sen. Inouye, Daniel K. [D-HI]	D · HI		Jul 7, 2009
Sen. Feinstein, Dianne [D-CA]	D · CA		Jul 16, 2009
Sen. Hagan, Kay R. [D-NC]	D · NC		Jul 24, 2009
Sen. Chambliss, Saxby [R-GA]	R · GA		Sep 29, 2009
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Apr 27, 2010
Sen. Johnson, Tim [D-SD]	D · SD		May 17, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jun 11, 2009

### Subjects & Policy Tags

#### Policy Area:

Health

### Related Bills

Bill	Relationship	Last Action
111 HR 3590	Related bill	Mar 23, 2010: Became Public Law No: 111-148.
111 HR 444	Related bill	Jan 14, 2009: Referred to the Subcommittee on Health.

340B Program Improvement and Integrity Act of 2009 - Amends the Public Health Service Act to expand the drug discount program to allow participation as a covered entity by certain: (1) children's hospitals; (2) critical access hospitals; and (3) rural referral centers. Expands the program to include drugs used in connection with an inpatient or outpatient service by enrolled hospitals (currently, only outpatient drugs are covered under the program).

Prohibits enrolled hospitals from obtaining covered outpatient drugs through a group purchasing arrangement. Requires the Secretary of Health and Human Services (HHS) to establish reasonable exceptions to such prohibition, including for drugs unavailable through the program and to facilitate generic substitution when a generic covered drug is available at a lower price.

Requires a hospital enrolled in the 340B drug discount program to issue a credit to a state Medicaid program for inpatient drugs provided to Medicaid recipients.

Requires the Secretary to: (1) provide for improvements in compliance by manufacturers and covered entities with the requirements of the drug discount program; and (2) establish and implement an administrative process for resolving claims by covered entities and manufacturers of violations of such requirements.

Requires manufacturers to offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such a drug is made available to any other purchaser at any price.

## **Actions Timeline**

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- **Jun 11, 2009:** Introduced in Senate
- **Jun 11, 2009:** Sponsor introductory remarks on measure. (CR S6546)
- **Jun 11, 2009:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced: CR S6546-6548)