

(11) PDP approved bid

The term “PDP approved bid” has the meaning given such term in section 1395w-113(a)(6) of this title.

(12) PDP region

The term “PDP region” means such a region as provided under section 1395w-111(a)(2) of this title.

(13) PDP sponsor

The term “PDP sponsor” means a non-governmental entity that is certified under this part as meeting the requirements and standards of this part for such a sponsor.

(14) Prescription drug plan

The term “prescription drug plan” means prescription drug coverage that is offered—

(A) under a policy, contract, or plan that has been approved under section 1395w-111(e) of this title; and

(B) by a PDP sponsor pursuant to, and in accordance with, a contract between the Secretary and the sponsor under section 1395w-112(b) of this title.

(15) Qualified prescription drug coverage

The term “qualified prescription drug coverage” is defined in section 1395w-102(a)(1) of this title.

(16) Standard prescription drug coverage

The term “standard prescription drug coverage” is defined in section 1395w-102(b) of this title.

(17) State Pharmaceutical Assistance Program

The term “State Pharmaceutical Assistance Program” has the meaning given such term in section 1395w-133(b) of this title.

(18) Subsidy eligible individual

The term “subsidy eligible individual” has the meaning given such term in section 1395w-114(a)(3)(A) of this title.

(b) Application of part C provisions under this part

For purposes of applying provisions of part C of this subchapter under this part with respect to a prescription drug plan and a PDP sponsor, unless otherwise provided in this part such provisions shall be applied as if—

(1) any reference to an MA plan included a reference to a prescription drug plan;

(2) any reference to an MA organization or a provider-sponsored organization included a reference to a PDP sponsor;

(3) any reference to a contract under section 1395w-27 of this title included a reference to a contract under section 1395w-112(b) of this title;

(4) any reference to part C of this subchapter included a reference to this part; and

(5) any reference to an election period under section 1395w-21 of this title were a reference to an enrollment period under section 1395w-101 of this title.

(Aug. 14, 1935, ch. 531, title XVIII, §1860D-41, as added Pub. L. 108-173, title I, §101(a)(2), Dec. 8, 2003, 117 Stat. 2148.)

REFERENCES IN TEXT

Section 1395w-101(a)(3) of this title, referred to in subsec. (a)(4), (8), (9), was in the original “section

1860D-1(a)(4)”, and was translated as meaning section 1860D-1(a)(3) of act Aug. 14, 1935, which is classified to section 1395w-101(a)(3) of this title, to reflect the probable intent of Congress, because section 1395w-101(a) of this title does not contain a par. (4) and par. (3) defines terms for purposes of this part.

§ 1395w-152. Miscellaneous provisions**(a) Access to coverage in territories**

The Secretary may waive such requirements of this part, including section 1395w-103(a)(1) of this title, insofar as the Secretary determines it is necessary to secure access to qualified prescription drug coverage for part D eligible individuals residing in a State (other than the 50 States and the District of Columbia).

(b) Application of demonstration authority

The provisions of section 402 of the Social Security Amendments of 1967 (Public Law 90-248) shall apply with respect to this part and part C of this subchapter in the same manner it applies with respect to parts A and B of this subchapter, except that any reference with respect to a Trust Fund in relation to an experiment or demonstration project relating to prescription drug coverage under this part shall be deemed a reference to the Medicare Prescription Drug Account within the Federal Supplementary Medical Insurance Trust Fund.

(c) Coverage gap rebate for 2010**(1) In general**

In the case of an individual described in subparagraphs (A) through (D) of section 1395w-114a(g)(1) of this title who as of the last day of a calendar quarter in 2010 has incurred costs for covered part D drugs so that the individual has exceeded the initial coverage limit under section 1395w-102(b)(3) of this title for 2010, the Secretary shall provide for payment from the Medicare Prescription Drug Account of \$250 to the individual by not later than the 15th day of the third month following the end of such quarter.

(2) Limitation

The Secretary shall provide only 1 payment under this subsection with respect to any individual.

(Aug. 14, 1935, ch. 531, title XVIII, §1860D-42, as added Pub. L. 108-173, title I, §101(a)(2), Dec. 8, 2003, 117 Stat. 2149; amended Pub. L. 111-152, title I, §1101(a)(1), Mar. 30, 2010, 124 Stat. 1036.)

REFERENCES IN TEXT

Section 402 of the Social Security Amendments of 1967, referred to in subsec. (b), is section 402 of Pub. L. 90-248, title IV, Jan. 2, 1968, 81 Stat. 930, which enacted section 1395b-1 of this title and amended section 1395f of this title.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-152 added subsec. (c).

§ 1395w-153. Condition for coverage of drugs under this part**(a) In general**

In order for coverage to be available under this part for covered part D drugs (as defined in section 1395w-102(e) of this title) of a manufacturer, the manufacturer must—