

[DISCUSSION DRAFT]

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to provide for certain program integrity transparency measures under Medicare parts C and D.

IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

**A BILL**

To amend title XVIII of the Social Security Act to provide for certain program integrity transparency measures under Medicare parts C and D.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROGRAM INTEGRITY TRANSPARENCY MEAS-**  
4 **URES UNDER MEDICARE PARTS C AND D.**

5 (a) IN GENERAL.—Section 1859 of the Social Secu-  
6 rity Act (42 U.S.C. 1395w–28) is amended by adding at  
7 the end the following new subsection:

1           “(i) PROGRAM INTEGRITY TRANSPARENCY MEAS-  
2 URES.—

3           “(1) PROGRAM INTEGRITY PORTAL.—

4                   “(A) IN GENERAL.—Not later than  
5 **\_\_\_\_\_**], the Secretary shall, after consultation  
6 with stakeholders, establish a secure Internet  
7 website portal that would allow a secure path  
8 for communication between the Secretary, MA  
9 plans under this part, prescription drug plans  
10 under part D, and an eligible entity with a con-  
11 tract under section 1893 (such as a Medicare  
12 drug integrity contractor or any successor enti-  
13 ty to a Medicare drug integrity contractor), in  
14 accordance with subsection (j)(3) of such sec-  
15 tion, for the purpose of enabling through such  
16 portal—

17                           “(i) the referral by such plans of sub-  
18 stantiated fraud, waste, and abuse for ini-  
19 tiating or assisting investigations con-  
20 ducted by the eligible entity; and

21                           “(ii) data sharing among such MA  
22 plans, prescription drug plans, and the  
23 Secretary (including with respect to infor-  
24 mation for activities under section  
25 1893(j)).

1           “(B) REQUIRED USES OF PORTAL.—The  
2           Secretary shall disseminate the following infor-  
3           mation to MA plans under this part and pre-  
4           scription drug plans under part D through the  
5           secure Internet website portal established under  
6           subparagraph (A):

7                   “(i) Providers of services and sup-  
8                   pliers that have been referred pursuant to  
9                   subparagraph (A)(i) during the previous  
10                  12-month period.

11                  “(ii) Providers of services and sup-  
12                  pliers who are the subject of an active ex-  
13                  clusion under section 1128 or who are sub-  
14                  ject to a suspension of payment under this  
15                  title pursuant to section 1864(o) or other-  
16                  wise.

17                  “(iii) Providers of services and sup-  
18                  pliers who are the subject of an active rev-  
19                  ocation of participation under this title, in-  
20                  cluding for not satisfying conditions of par-  
21                  ticipation.

22                  “(iv) In the case of such a plan that  
23                  makes a referral under subparagraph  
24                  (A)(i) through the portal with respect to  
25                  suspicious activities of a provider of serv-

1           ices or supplier, if such provider or sup-  
2           plier has been the subject of an adminis-  
3           trative action under this title or title XI  
4           with respect to similar activities, a notifica-  
5           tion to such plan of such action so taken.

6           “(C) RULEMAKING.—For purposes of this  
7           paragraph, the Secretary shall, through rule-  
8           making, specify what constitutes substantiated  
9           fraud, waste, and abuse, using guidance such as  
10          what is provided in the Medicare Program In-  
11          tegrity Manual 4.7.1.

12          “(2) QUARTERLY REPORTS.—【Beginning  
13          \_\_\_\_,】 the Secretary shall make available to MA  
14          plans under this part and prescription drug plans  
15          under part D in a timely manner (but no less fre-  
16          quently than quarterly) and using information sub-  
17          mitted to an entity described in paragraph (1)  
18          through the portal described in such paragraph or  
19          pursuant to section 1893, information on fraud,  
20          waste, and abuse schemes and trends in identifying  
21          suspicious activity. Information included in each  
22          such report shall—

23                  “(A) include enforcement actions, pertinent  
24          information related to opioid overprescribing,

1 and other data determined appropriate by the  
2 Secretary in consultation with stakeholders; and  
3 “(B) be anonymized information submitted  
4 by plans without identifying the source of such  
5 information.”.

6 (b) CONTRACT REQUIREMENT TO COMMUNICATE  
7 PLAN CORRECTIVE ACTIONS AGAINST OPIOIDS OVER-  
8 PRESCRIBERS.—Section 1857(e)(4)(C) of the Social Secu-  
9 rity Act (42 U.S.C. 1395w–27(e)(4)(C)) is amended by  
10 adding at the end the following new paragraph:

11 “(5) COMMUNICATING PLAN CORRECTIVE AC-  
12 TIONS AGAINST OPIOIDS OVER-PRESCRIBERS.—

13 “(A) IN GENERAL.—Beginning with plan  
14 years beginning on or after [\_\_\_\_], a contract  
15 under this section with an MA organization  
16 shall require the organization to submit to the  
17 Secretary, through the process established  
18 under subparagraph (B), information on the in-  
19 vestigations and other actions taken by such  
20 plans related to providers of services who pre-  
21 scribe a high volume of opioids.

22 “(B) PROCESS.—Not later than [\_\_\_\_],  
23 the Secretary shall, in consultation with stake-  
24 holders, establish a process under which MA  
25 plans and prescription drug plans may submit

1 to the Secretary information described in sub-  
2 paragraph (A).

3 “(C) REGULATIONS.—For purposes of this  
4 paragraph, including as applied under section  
5 1860D–12(b)(3)(D), the Secretary shall, pursu-  
6 ant to rulemaking—

7 “(i) specify a definition for the term  
8 ‘high volume of opioids’ and a method for  
9 determining if a provider of services pre-  
10 scribes such a high volume; and

11 “(ii) establish the process described in  
12 subparagraph (B) and the types of infor-  
13 mation that may be submitted through  
14 such process.”.

15 (c) REFERENCE UNDER PART D TO PROGRAM IN-  
16 TEGRITY TRANSPARENCY MEASURES.—Section 1860D–4  
17 of the Social Security Act (42 U.S.C. 1395w–104) is  
18 amended by adding at the end the following new sub-  
19 section:

20 “(m) PROGRAM INTEGRITY TRANSPARENCY MEAS-  
21 URES.—For program integrity transparency measures ap-  
22 plied with respect to prescription drug plan and MA plans,  
23 see section 1859(i).”.