

[DISCUSSION DRAFT]

115TH CONGRESS
2^D SESSION

H. R. _____

To amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to provide notifications under the Medicare program to outlier prescribers of opioids.

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 require the Secretary of Health and Human Services to provide notifications under the Medicare program to outlier prescribers of opioids.

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. MEDICARE NOTIFICATIONS TO OUTLIER PRE-**
4 **SCRIBERS OF OPIOIDS.**

5 Section 1860D–4(c)(4) of the Social Security Act (42
6 U.S.C. 1395w–104(c)(4)) is amended by adding at the end
7 the following new paragraph:

1 “(D) OUTLIER PRESCRIBER NOTIFICA-
2 TION.—

3 “(i) NOTIFICATION.—Beginning not
4 later than January 1, 2020, the Secretary
5 shall, in the case of a prescriber identified
6 by the Secretary under clause (ii) to be an
7 outlier prescriber of opioids, provide, sub-
8 ject to clause (iv), a biannual notification
9 to such prescriber (during the period in
10 which such provider maintains such identi-
11 fication) that such prescriber has been so
12 identified and including such resources on
13 proper prescribing methods and such other
14 information as specified in accordance with
15 clause (iii).

16 “(ii) IDENTIFICATION OF OUTLIER
17 PRESCRIBERS OF OPIOIDS.—

18 “(I) IN GENERAL.—Beginning
19 not later than January 1, 2020, the
20 Secretary shall, using prescriber infor-
21 mation provided by prescriber Na-
22 tional Provider Identifiers included
23 pursuant to subparagraph (A) on
24 claims for covered part D drugs for
25 part D eligible individuals enrolled in

1 prescription drug plans under this
2 part and MA–PD plans under part C
3 and based on the threshold estab-
4 lished under subclause (II), identify
5 prescribers that are outlier opioids
6 prescribers for the most recent 6-
7 month period.

8 “(II) ESTABLISHMENT OF
9 THRESHOLD.—For purposes of sub-
10 clause (I), the Secretary shall, after
11 consultation with stakeholders, estab-
12 lish a threshold, based on prescriber
13 specialty and geographic area, for
14 identifying whether a prescriber in a
15 specialty and geographic area is an
16 outlier prescriber of opioids as com-
17 pared to other prescribers of opioids
18 within such specialty and area.

19 “(iii) CONTENTS OF NOTIFICATION.—
20 The Secretary shall, based on input from
21 stakeholders, specify the resources and
22 other information to be included in notifi-
23 cations provided under clause (i).

24 “(iv) MODIFICATIONS AND EXPAN-
25 SIONS.—

1 “(I) FREQUENCY.—Beginning [5
2 years after the date of the enactment
3 of this subparagraph]/[January 1,
4 2025], the Secretary may change the
5 frequency of the notifications de-
6 scribed in clause (i) based on stake-
7 holder input.

8 “(II) EXPANSION TO OTHER
9 PRESCRIPTIONS.—The Secretary may
10 expand identifications and notifica-
11 tions under this subparagraph to in-
12 clude identifications and notifications
13 with respect to [concurrent prescrip-
14 tions]/[prescriptions [provided]/
15 [used] in combination with opioids]
16 (such as benzodiazepines) that are
17 considered to have adverse side effects
18 when so used in such combination.”.