

[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 two years after the date of the
5 enactment of this subparagraph, the Sec-
6 retary shall, in the case of a prescriber
7 identified by the Secretary under clause
8 (ii) to be an outlier prescriber of opioids,
9 provide, subject to clause (iv), an annual
10 notification to such prescriber (during the
11 period in which such provider maintains
12 such identification) that such prescriber
13 has been so identified and including such
14 resources on proper prescribing methods
15 and such other information as specified in
16 accordance with clause (iii).

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

19 “(I) IN GENERAL.—The Sec-
20 retary shall, subject to subclause (III),
21 using the valid prescriber National
22 Provider Identifiers included pursuant
23 to subparagraph (A) on claims for
24 covered part D drugs for part D eligi-
25 ble individuals enrolled in prescription

1 drug plans under this part and MA-
2 PD plans under part C and based on
3 the threshold established under sub-
4 clause (II), identify prescribers that
5 are outlier opioids prescribers for a
6 period of data specified by the Sec-
7 retary.

8 “(II) ESTABLISHMENT OF
9 THRESHOLD.—For purposes of sub-
10 clause (I) and subject to subclause
11 (III), the Secretary shall, after con-
12 sultation with stakeholders, establish
13 a threshold, based on prescriber spe-
14 cialty and geographic area, for identi-
15 fying whether a prescriber in a spe-
16 cialty and geographic area is an
17 outlier prescriber of opioids as com-
18 pared to other prescribers of opioids
19 within such specialty and area.

20 “(III) EXCLUSIONS.—The fol-
21 lowing prescribers shall not be in-
22 cluded as prescribers identified under
23 this clause, including for purposes of
24 determining or applying the threshold
25 on subclause (II):

1 “(aa) Prescribers with re-
2 spect to furnishing hospice care.

3 “(bb) Prescribers with re-
4 spect to furnishing oncology serv-
5 ices.

6 “(cc) Prescribers who are
7 the subject of an investigation by
8 the Centers for Medicare & Med-
9 icaid Services or the Office of the
10 Inspector General of the Depart-
11 ment of Health and Human
12 Services for a potential pre-
13 scribing violation under this part.

14 “(iii) CONTENTS OF NOTIFICATION.—
15 The Secretary shall, based on input from
16 stakeholders, specify the resources and
17 other information to be included in notifi-
18 cations provided under clause (i).

19 “(iv) MODIFICATIONS AND EXPAN-
20 SIONS.—

21 “(I) FREQUENCY.—Beginning 5
22 years after the date of the enactment
23 of this subparagraph, the Secretary
24 may change the frequency of the noti-

1 fications described in clause (i) based
2 on stakeholder input.

3 “(II) EXPANSION TO OTHER
4 PRESCRIPTIONS.—The Secretary may
5 expand notifications under this sub-
6 paragraph to include identifications
7 and notifications with respect to con-
8 current prescriptions of covered Part
9 D drugs used in combination with
10 opioids that are considered to have
11 adverse side effects when so used in
12 such combination.

13 “(v) OPIOIDS DEFINED.—For pur-
14 poses of this subparagraph, the term
15 ‘opioids’ has such meaning as specified by
16 the Secretary.”.