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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. 5686

To amend title XVIII of the Social Security Act to require prescription drug plans under Medicare part D to include information on the adverse effects of opioid overutilization and of coverage of nonpharmacological therapies and nonopioid medications or devices used to treat pain.

IN THE HOUSE OF REPRESENTATIVES

Mr. PAULSEN introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title XVIII of the Social Security Act to require prescription drug plans under Medicare part D to include information on the adverse effects of opioid overutilization and of coverage of nonpharmacological therapies and nonopioid medications or devices used to treat pain.

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. SHORT TITLE.**

4 This Act may be cited as the “Medicare Clear Health
5 Options in Care for Enrollees Act of 2018” or the “Medi-
6 care CHOICE Act of 2018”.

1 **SEC. 2. REQUIRING MEDICARE PART D PRESCRIPTION**
2 **DRUG PLANS TO INCLUDE INFORMATION ON**
3 **ADVERSE EFFECTS RELATING TO OPIOIDS**
4 **AND COVERAGE OF NONPHARMACOLOGICAL**
5 **THERAPIES AND NONOPIOID MEDICATIONS**
6 **OR DEVICES USED TO TREAT PAIN.**

7 Section 1860D-4(a)(1) of the Social Security Act (42
8 U.S.C. 1395w-104(a)(1)) is amended—

9 (1) in subparagraph (A), by inserting “, subject
10 to subparagraph (C),” before “including”;

11 (2) in subparagraph (B), by adding at the end
12 the following new clause:

13 “(vi) For plan year 2021 and each
14 subsequent plan year, subject to subpara-
15 graph (C), with respect to the treatment of
16 pain—

17 “(I) the adverse effects of pro-
18 longed opioid use; and

19 “(II) coverage of nonpharma-
20 cological therapies, devices, and
21 nonopioid medications—

22 “(aa) in the case of an MA-
23 PD plan under part C, under
24 such plan; and

25 “(bb) in the case of a pre-
26 scription drug plan under such

1 plan and under parts A and B.”;

2 and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(C) TARGETED PROVISION OF INFORMA-
6 TION.—A PDP sponsor of a prescription drug
7 plan may, in lieu of disclosing the information
8 described in subparagraph (B)(vi) to each en-
9 rollee under the plan, disclose such information
10 through mail or electronic communications to a
11 subset of enrollees under the plan, such as en-
12 rollees who have been prescribed an opioid in
13 the previous two-year period.”.