

[DISCUSSION DRAFT]

115TH CONGRESS
2^D SESSION

H. R. _____

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

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 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,*

1 **SECTION 1. REQUIRING MEDICARE PART D PRESCRIPTION**
2 **DRUG PLANS TO INCLUDE INFORMATION ON**
3 **ADVERSE EFFECTS RELATING TO OPIOID,**
4 **NONPHARMACOLOGICAL THERAPIES, AND**
5 **NONOPIOID MEDICATIONS OR DEVICES USED**
6 **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) With respect to plan year 2020
14 and each subsequent plan year, subject to
15 subparagraph (C), the adverse effects of
16 the following, with respect to the treatment
17 of acute pain:

18 “(I) Prolonged opioid use.

19 “(II) Coverage under this title of
20 nonpharmacological therapies, devices,
21 and nonopioid medications.”; and

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

24 “(C) TARGETED PROVISION OF INFORMA-
25 TION.—A PDP sponsor of a prescription drug
26 plan may, in lieu of disclosing the information

1 described in subparagraph (B)(vi) to each en-
2 rollee under the plan, disclose such information
3 through mail or electronic communications to
4 an appropriate subset of enrollees under the
5 plan, such as enrollees who have been pre-
6 scribed an opioid in the previous two-year pe-
7 riod.”.