[DISCUSSION DRAFT]

115TH CONGRESS
2D 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

Mr. ______ 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
4 SECTION 1. PROGRAM INTEGRITY TRANSPARENCY MEAS-
5 URES UNDER MEDICARE PARTS C AND D.
6 (a) In General.—Section 1859 of the Social Secu-
7 rity Act (42 U.S.C. 1395w–28) is amended by adding at
8 the end the following new subsection:
“(i) Program Integrity Transparency Measures.—

“(1) Program integrity portal.—

“(A) In general.—Not later than [____], the Secretary shall, after consultation with stakeholders, establish a secure Internet website portal that would allow a secure path for communication between the Secretary, MA plans under this part, prescription drug plans under part D, and an eligible entity with a contract under section 1893 (such as a Medicare drug integrity contractor or any successor entity to a Medicare drug integrity contractor), in accordance with subsection (j)(3) of such section, for the purpose of enabling through such portal—

“(i) the referral by such plans of substantiated fraud, waste, and abuse for initiating or assisting investigations conducted by the eligible entity; and

“(ii) data sharing among such MA plans, prescription drug plans, and the Secretary (including with respect to information for activities under section 1893(j)).
“(B) REQUIRED USES OF PORTAL.—The Secretary shall disseminate the following information to MA plans under this part and prescription drug plans under part D through the secure Internet website portal established under subparagraph (A):

“(i) Providers of services and suppliers that have been referred pursuant to subparagraph (A)(i) during the previous 12-month period.

“(ii) Providers of services and suppliers who are the subject of an active exclusion under section 1128 or who are subject to a suspension of payment under this title pursuant to section 1864(o) or otherwise.

“(iii) Providers of services and suppliers who are the subject of an active revocation of participation under this title, including for not satisfying conditions of participation.

“(iv) In the case of such a plan that makes a referral under subparagraph (A)(i) through the portal with respect to suspicious activities of a provider of serv-
ices or supplier, if such provider or sup-
plier has been the subject of an adminis-
trative action under this title or title XI
with respect to similar activities, a notifica-
tion to such plan of such action so taken.

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

“(2) QUARTERLY REPORTS.—Beginning
___, the Secretary shall make available to MA
plans under this part and prescription drug plans
under part D in a timely manner (but no less fre-
quently than quarterly) and using information sub-
mitted to an entity described in paragraph (1)
through the portal described in such paragraph or
pursuant to section 1893, information on fraud,
abuse and abuse schemes and trends in identifying
suspicious activity. Information included in each
such report shall—

“(A) include enforcement actions, pertinent
information related to opioid overprescribing,
and other data determined appropriate by the Secretary in consultation with stakeholders; and “(B) be anonymized information submitted by plans without identifying the source of such information.”.

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

“(5) COMMUNICATING PLAN CORRECTIVE ACTIONS AGAINST OPIOIDS OVER-PRESCRIBERS.—

“(A) IN GENERAL.—Beginning with plan years beginning on or after [____], a contract under this section with an MA organization shall require the organization to submit to the Secretary, through the process established under subparagraph (B), information on the investigations and other actions taken by such plans related to providers of services who prescribe a high volume of opioids.

“(B) PROCESS.—Not later than [____], the Secretary shall, in consultation with stakeholders, establish a process under which MA plans and prescription drug plans may submit...
to the Secretary information described in sub-
paragraph (A).

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

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

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

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

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