[DISCUSSION DRAFT]

115TH CONGRESS 2D 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

Mr. ______ 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICARE NOTIFICATIONS TO OUTLIER PRESCRIBERS OF OPIOIDS.

Section 1860D–4(c)(4) of the Social Security Act (42 U.S.C. 1395w–104(c)(4)) is amended by adding at the end the following new paragraph:
“(D) OUTLIER PRESCRIBER NOTIFICATION.—

“(i) NOTIFICATION.—Beginning not later than two years after the date of the enactment of this subparagraph, the Secretary shall, in the case of a prescriber identified by the Secretary under clause (ii) to be an outlier prescriber of opioids, provide, subject to clause (iv), an annual notification to such prescriber (during the period in which such provider maintains such identification) that such prescriber has been so identified and including such resources on proper prescribing methods and such other information as specified in accordance with clause (iii).

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

“(I) IN GENERAL.—The Secretary shall, subject to subclause (III), using the valid prescriber National Provider Identifiers included pursuant to subparagraph (A) on claims for covered part D drugs for part D eligible individuals enrolled in prescription
drug plans under this part and MA–
PD plans under part C and based on
the threshold established under sub-
clause (II), identify prescribers that
are outlier opioids prescribers for a
period of data specified by the Sec-
retary.

“(II) Establishment of
threshold.—For purposes of sub-
clause (I) and subject to subclause
(III), the Secretary shall, after con-
sultation with stakeholders, establish
a threshold, based on prescriber spe-
cialty and geographic area, for identi-
fying whether a prescriber in a spe-
cialty and geographic area is an
outlier prescriber of opioids as com-
pared to other prescribers of opioids
within such specialty and area.

“(III) Exclusions.—The fol-
lowing prescribers shall not be in-
cluded as prescribers identified under
this clause, including for purposes of
determining or applying the threshold
on subclause (II):
“(aa) Prescribers with respect to furnishing hospice care.

“(bb) Prescribers with respect to furnishing oncology services.

“(cc) Prescribers who are the subject of an investigation by the Centers for Medicare & Medicaid Services or the Office of the Inspector General of the Department of Health and Human Services for a potential prescribing violation under this part.

“(iii) CONTENTS OF NOTIFICATION.—The Secretary shall, based on input from stakeholders, specify the resources and other information to be included in notifications provided under clause (i).

“(iv) MODIFICATIONS AND EXPANSIONS.—

“(I) FREQUENCY.—Beginning 5 years after the date of the enactment of this subparagraph, the Secretary may change the frequency of the noti-
fications described in clause (i) based on stakeholder input.

“(II) EXPANSION TO OTHER PRESCRIPTIONS.—The Secretary may expand notifications under this subparagraph to include identifications and notifications with respect to concurrent prescriptions of covered Part D drugs used in combination with opioids that are considered to have adverse side effects when so used in such combination.

“(v) OPIOIDS DEFINED.—For purposes of this subparagraph, the term ‘opioids’ has such meaning as specified by the Secretary.”