

115TH CONGRESS
2D SESSION

H. R. 5715

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

MAY 9, 2018

Mr. RENACCI (for himself, Ms. SEWELL of Alabama, Mr. GUTHRIE, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Part-
5 nerships to Prevent Opioid Abuse Act”.

1 **SEC. 2. PROGRAM INTEGRITY TRANSPARENCY MEASURES**

2 **UNDER MEDICARE PARTS C AND D.**

3 (a) IN GENERAL.—Section 1859 of the Social Secu-
4 rity Act (42 U.S.C. 1395w–28) is amended by adding at
5 the end the following new subsection:

6 “(i) PROGRAM INTEGRITY TRANSPARENCY MEAS-
7 URES.—

8 “(1) PROGRAM INTEGRITY PORTAL.—

9 “(A) IN GENERAL.—Not later than two
10 years after the date of the enactment of this
11 subsection, the Secretary shall, after consulta-
12 tion with stakeholders, establish a secure Inter-
13 net website portal (or other successor tech-
14 nology) that would allow a secure path for com-
15 munication between the Secretary, MA plans
16 under this part, prescription drug plans under
17 part D, and an eligible entity with a contract
18 under section 1893 (such as a Medicare drug
19 integrity contractor or an entity responsible for
20 carrying out program integrity activities under
21 this part and part D) for the purpose of ena-
22 bling through such portal (or other successor
23 technology)—

24 “(i) the referral by such plans of sub-
25 stantiated fraud, waste, and abuse for ini-

1 tiating or assisting investigations con-
2 ducted by the eligible entity; and

3 “(ii) data sharing among such MA
4 plans, prescription drug plans, and the
5 Secretary.

6 “(B) REQUIRED USES OF PORTAL.—The
7 Secretary shall disseminate the following infor-
8 mation to MA plans under this part and pre-
9 scription drug plans under part D through the
10 secure Internet website portal (or other suc-
11 cessor technology) established under subpara-
12 graph (A):

13 “(i) Providers of services and sup-
14 pliers that have been referred pursuant to
15 subparagraph (A)(i) during the previous
16 12-month period.

17 “(ii) Providers of services and sup-
18 pliers who are the subject of an active ex-
19 clusion under section 1128 or who are sub-
20 ject to a suspension of payment under this
21 title pursuant to section 1862(o) or other-
22 wise.

23 “(iii) Providers of services and sup-
24 pliers who are the subject of an active rev-
25 ocation of participation under this title, in-

cluding 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 (or other successor technology) with respect to activities of substantiated fraud, waste, or abuse of a provider of services or supplier, if such provider or supplier has been the subject of an administrative action under this title or title XI with respect to similar activities, a notification to such plan of such action so taken.

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

“(D) HIPAA COMPLIANT INFORMATION ONLY.—For purposes of this subsection, communications may only occur if the communications are permitted under the Federal regulations (concerning the privacy of individually identifiable health information) promulgated

1 under section 264(c) of the Health Insurance
2 Portability and Accountability Act of 1996.

3 “(2) QUARTERLY REPORTS.—Beginning two
4 years after the date of enactment of this subsection,
5 the Secretary shall make available to MA plans
6 under this part and prescription drug plans under
7 part D in a timely manner (but no less frequently
8 than quarterly) and using information submitted to
9 an entity described in paragraph (1) through the
10 portal (or other successor technology) described in
11 such paragraph or pursuant to section 1893, infor-
12 mation on fraud, waste, and abuse schemes and
13 trends in identifying suspicious activity. Information
14 included in each such report shall—

15 “(A) include administrative actions, perti-
16 nent information related to opioid overpre-
17 scribing, and other data determined appropriate
18 by the Secretary in consultation with stake-
19 holders; and

20 “(B) be anonymized information submitted
21 by plans without identifying the source of such
22 information.

23 “(3) CLARIFICATION.—Nothing in this sub-
24 section shall be construed as precluding or otherwise
25 affecting referrals described in subparagraph (A)

1 that may otherwise be made to law enforcement en-
 2 tities or to the Secretary.”.

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

8 “(5) COMMUNICATING PLAN CORRECTIVE AC-
 9 TIONS AGAINST OPIOIDS OVER-PRESCRIBERS.—

10 “(A) IN GENERAL.—Beginning with plan
 11 years beginning on or after January 1, 2021, a
 12 contract under this section with an MA organi-
 13 zation shall require the organization to submit
 14 to the Secretary, through the process estab-
 15 lished under subparagraph (B), information on
 16 the investigations and other actions taken by
 17 such plans related to providers of services who
 18 prescribe a high volume of opioids.

19 “(B) PROCESS.—Not later than January
 20 1, 2021, the Secretary shall, in consultation
 21 with stakeholders, establish a process under
 22 which MA plans and prescription drug plans
 23 shall submit to the Secretary information de-
 24 scribed in subparagraph (A).

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

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

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

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

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

○