

115TH CONGRESS
1ST SESSION

H. R. 3447

To amend title XVIII of the Social Security Act to provide prescription drug plans under part D of the Medicare program with parts A and B Medicare claims data to promote the appropriate use of medications and improve health outcomes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2017

Ms. JENKINS of Kansas (for herself, Mr. THOMPSON of California, Mr. HARPER, and Mr. BEN RAY LUJÁN of New Mexico) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 prescription drug plans under part D of the Medicare program with parts A and B Medicare claims data to promote the appropriate use of medications and improve health outcomes.

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. SHORT TITLE.**

2 This Act may be cited as the “Furthering Access to
3 Coordinated Treatment for Seniors Act of 2017” or the
4 “FACTS Act of 2017”.

5 **SEC. 2. PROVIDING PRESCRIPTION DRUG PLANS WITH**
6 **PARTS A AND B CLAIMS DATA TO PROMOTE**
7 **THE APPROPRIATE USE OF MEDICATIONS**
8 **AND IMPROVE HEALTH OUTCOMES.**

9 Section 1860D–4(c) of the Social Security Act (42
10 U.S.C. 1395w–104(c)) is amended by adding at the end
11 the following new paragraph:

12 “(7) PROVIDING PRESCRIPTION DRUG PLANS
13 WITH PARTS A AND B CLAIMS DATA TO PROMOTE
14 THE APPROPRIATE USE OF MEDICATIONS AND IM-
15 PROVE HEALTH OUTCOMES.—

16 “(A) PROCESS.—Subject to subparagraph
17 (C), the Secretary shall establish a process
18 under which a PDP sponsor of a prescription
19 drug plan may submit a request for the Sec-
20 retary to provide the sponsor, on a periodic
21 basis and in an electronic format, beginning in
22 plan year 2020, data described in subparagraph
23 (D) with respect to enrollees in such plan. Such
24 data shall be provided without regard to wheth-
25 er such enrollees are described in clause (ii) of
26 paragraph (2)(A).

1 “(B) PURPOSES.—A PDP sponsor may
2 use the data provided to the sponsor pursuant
3 to subparagraph (A) for any of the following
4 purposes:

5 “(i) To optimize therapeutic outcomes
6 through improved medication use, as such
7 phrase is used in clause (i) of paragraph
8 (2)(A).

9 “(ii) To improve care coordination so
10 as to prevent adverse health outcomes,
11 such as preventable emergency department
12 visits and hospital readmissions.

13 “(iii) For any other purpose deter-
14 mined appropriate by the Secretary.

15 “(C) LIMITATIONS ON DATA USE.—A PDP
16 sponsor shall not use data provided to the spon-
17 sor pursuant to subparagraph (A) for any of
18 the following purposes:

19 “(i) To inform coverage determina-
20 tions under this part.

21 “(ii) To conduct retroactive reviews of
22 medically accepted indications determina-
23 tions.

24 “(iii) To direct enrollment changes to
25 a different prescription drug plan or an

1 MA–PD plan offered by the same parent
2 organization.

3 “(iv) To inform marketing of benefits.

4 “(v) For any other purpose that the
5 Secretary determines is necessary to in-
6 clude in order to protect the identity of in-
7 dividuals entitled to, or enrolled for, bene-
8 fits under this title and to protect the se-
9 curity of personal health information.

10 “(D) DATA DESCRIBED.—The data de-
11 scribed in this subparagraph are standardized
12 extracts (as determined by the Secretary) of
13 claims data under parts A and B for items and
14 services furnished under such parts for time pe-
15 riods specified by the Secretary. Such data shall
16 include data as current as practicable.”.

○