

115TH CONGRESS
2D SESSION

H. R. 5676

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2018

Received; read twice and referred to the Committee on Finance

AN ACT

To amend title XVIII of the Social Security Act to authorize the suspension of payments by Medicare prescription drug plans and MA–PD plans pending investigations of credible allegations of fraud by pharmacies.

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 “Stop Excessive Nar-
3 cotics in our Retirement Communities Protection Act of
4 2018” or the “SENIOR Communities Protection Act of
5 2018”.

6 **SEC. 2. SUSPENSION OF PAYMENTS BY MEDICARE PRE-**
7 **SCRIPTION DRUG PLANS AND MA-PD PLANS**
8 **PENDING INVESTIGATIONS OF CREDIBLE AL-**
9 **LEGATIONS OF FRAUD BY PHARMACIES.**

10 (a) IN GENERAL.—Section 1860D–12(b) of the So-
11 cial Security Act (42 U.S.C. 1395w–112(b)) is amended
12 by adding at the end the following new paragraph:

13 “(7) SUSPENSION OF PAYMENTS PENDING IN-
14 VESTIGATION OF CREDIBLE ALLEGATIONS OF FRAUD
15 BY PHARMACIES.—

16 “(A) IN GENERAL.—The provisions of sec-
17 tion 1862(o) shall apply with respect to a PDP
18 sponsor with a contract under this part, a phar-
19 macy, and payments to such pharmacy under
20 this part in the same manner as such provisions
21 apply with respect to the Secretary, a provider
22 of services or supplier, and payments to such
23 provider of services or supplier under this title.

24 “(B) RULE OF CONSTRUCTION.—Nothing
25 in this paragraph shall be construed as limiting

1 the authority of a PDP sponsor to conduct
2 postpayment review.”.

3 (b) APPLICATION TO MA-PD PLANS.—Section
4 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w-
5 27(f)(3)) is amended by adding at the end the following
6 new subparagraph:

7 “(D) SUSPENSION OF PAYMENTS PENDING
8 INVESTIGATION OF CREDIBLE ALLEGATIONS OF
9 FRAUD BY PHARMACIES.—Section 1860D-
10 12(b)(7).”.

11 (c) CONFORMING AMENDMENT.—Section 1862(o)(3)
12 of the Social Security Act (42 U.S.C. 1395y(o)(3)) is
13 amended by inserting “, section 1860D-12(b)(7) (includ-
14 ing as applied pursuant to section 1857(f)(3)(D)),” after
15 “this subsection”.

16 (d) CLARIFICATION RELATING TO CREDIBLE ALLE-
17 GATION OF FRAUD.—Section 1862(o) of the Social Secu-
18 rity Act (42 U.S.C. 1395y(o)) is amended by adding at
19 the end the following new paragraph:

20 “(4) CREDIBLE ALLEGATION OF FRAUD.—In
21 carrying out this subsection, section 1860D-
22 12(b)(7) (including as applied pursuant to section
23 1857(f)(3)(D)), and section 1903(i)(2)(C), a fraud
24 hotline tip (as defined by the Secretary) without fur-

1 ther evidence shall not be treated as sufficient evi-
2 dence for a credible allegation of fraud.”.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to plan years begin-
5 ning on or after January 1, 2020.

Passed the House of Representatives June 19, 2018.

Attest:

KAREN L. HAAS,

Clerk.