

115TH CONGRESS
2D SESSION

H. R. 5686

To amend title XVIII of the Social Security Act to require prescription drug plans under Medicare part D to include information on the adverse effects of opioid overutilization and of coverage of nonpharmacological therapies and nonopioid medications or devices used to treat pain.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2018

Mr. PAULSEN (for himself, Mr. KIND, Mr. COLLINS of New York, and Mr. LAMB) 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 require prescription drug plans under Medicare part D to include information on the adverse effects of opioid overutilization and of coverage of nonpharmacological therapies and nonopioid medications or devices used to treat pain.

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 “Medicare Clear Health
3 Options in Care for Enrollees Act of 2018” or the “Medi-
4 care CHOICE Act of 2018”.

5 **SEC. 2. REQUIRING MEDICARE PART D PRESCRIPTION**
6 **DRUG PLANS TO INCLUDE INFORMATION ON**
7 **ADVERSE EFFECTS RELATING TO OPIOIDS**
8 **AND COVERAGE OF NONPHARMACOLOGICAL**
9 **THERAPIES AND NONOPIOID MEDICATIONS**
10 **OR DEVICES USED TO TREAT PAIN.**

11 Section 1860D–4(a)(1) of the Social Security Act (42
12 U.S.C. 1395w–104(a)(1)) is amended—

13 (1) in subparagraph (A), by inserting “, subject
14 to subparagraph (C),” before “including”;

15 (2) in subparagraph (B), by adding at the end
16 the following new clause:

17 “(vi) For plan year 2021 and each
18 subsequent plan year, subject to subpara-
19 graph (C), with respect to the treatment of
20 pain—

21 “(I) the adverse effects of pro-
22 longed opioid use; and

23 “(II) coverage of nonpharma-
24 cological therapies, devices, and
25 nonopioid medications—

1 “(aa) in the case of an MA-
2 PD plan under part C, under
3 such plan; and

4 “(bb) in the case of a pre-
5 scription drug plan under such
6 plan and under parts A and B.”;
7 and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(C) TARGETED PROVISION OF INFORMA-
11 TION.—A PDP sponsor of a prescription drug
12 plan may, in lieu of disclosing the information
13 described in subparagraph (B)(vi) to each en-
14 rollee under the plan, disclose such information
15 through mail or electronic communications to a
16 subset of enrollees under the plan, such as en-
17 rollees who have been prescribed an opioid in
18 the previous two-year period.”.

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