

115TH CONGRESS
2D SESSION

H. R. 5716

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

MAY 9, 2018

Mr. ROSKAM (for himself, Mr. LARSON of Connecticut, Mrs. BROOKS of Indiana, and Mr. WELCH) 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 the Secretary of Health and Human Services to provide notifications under the Medicare program to outlier prescribers of opioids.

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 “Commit to Opioid
5 Medical Prescriber Accountability and Safety for Seniors
6 Act” or the “COMPASS Act”.

1 **SEC. 2. MEDICARE NOTIFICATIONS TO OUTLIER PRE-**
2 **SCRIBERS OF OPIOIDS.**

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

6 “(D) OUTLIER PRESCRIBER NOTIFICA-
7 TION.—

8 “(i) NOTIFICATION.—Beginning not
9 later than two years after the date of the
10 enactment of this subparagraph, the Sec-
11 retary shall, in the case of a prescriber
12 identified by the Secretary under clause
13 (ii) to be an outlier prescriber of opioids,
14 provide, subject to clause (iv), an annual
15 notification to such prescriber that such
16 prescriber has been so identified and that
17 includes resources on proper prescribing
18 methods and other information specified in
19 accordance with clause (iii).

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

22 “(I) IN GENERAL.—The Sec-
23 retary shall, subject to subclause (III),
24 using the valid prescriber National
25 Provider Identifiers included pursuant
26 to subparagraph (A) on claims for

1 covered part D drugs for part D eligi-
2 ble individuals enrolled in prescription
3 drug plans under this part or MA–PD
4 plans under part C and based on the
5 threshold established under subclause
6 (II), conduct an analysis to identify
7 prescribers that are outlier opioid pre-
8 scribers for a period specified by the
9 Secretary.

10 “(II) ESTABLISHMENT OF
11 THRESHOLD.—For purposes of sub-
12 clause (I) and subject to subclause
13 (III), the Secretary shall, after con-
14 sultation with stakeholders, establish
15 a threshold, based on prescriber spe-
16 cialty and geographic area, for identi-
17 fying whether a prescriber in a spe-
18 cialty and geographic area is an
19 outlier prescriber of opioids as com-
20 pared to other prescribers of opioids
21 within such specialty and area.

22 “(III) EXCLUSIONS.—The Sec-
23 retary may exclude the following indi-
24 viduals and prescribers from the anal-
25 ysis under this clause:

1 “(aa) Individuals receiving
2 hospice services.

3 “(bb) Individuals with a
4 cancer diagnosis.

5 “(cc) Prescribers who are
6 the subject of an investigation by
7 the Centers for Medicare & Med-
8 icaid Services or the Office of In-
9 spector General of the Depart-
10 ment of Health and Human
11 Services.

12 “(iii) CONTENTS OF NOTIFICATION.—
13 The Secretary shall, based on input from
14 stakeholders, specify the resources and
15 other information to be included in notifi-
16 cations provided under clause (i).

17 “(iv) MODIFICATIONS AND EXPAN-
18 SIONS.—

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

1 “(II) EXPANSION TO OTHER
2 PRESCRIPTIONS.—The Secretary may
3 expand notifications under this sub-
4 paragraph to include identifications
5 and notifications with respect to con-
6 current prescriptions of covered Part
7 D drugs used in combination with
8 opioids that are considered to have
9 adverse side effects when so used in
10 such combination, as determined by
11 the Secretary.

12 “(v) OPIOIDS DEFINED.—For pur-
13 poses of this subparagraph, the term
14 ‘opioids’ has such meaning as specified by
15 the Secretary through program instruction
16 or otherwise.”.

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