

Union Calendar No. 574

115TH CONGRESS
2^D SESSION

H. R. 5716

[Report No. 115-740, Part I]

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

JUNE 12, 2018

Additional sponsors: Mrs. BLACKBURN and Mr. WALDEN

JUNE 12, 2018

Reported from the Committee on Energy and Commerce

JUNE 12, 2018

The Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

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

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

12 “(D) OUTLIER PRESCRIBER NOTIFICA-
13 TION.—

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

1 “(ii) IDENTIFICATION OF OUTLIER
2 PRESCRIBERS OF OPIOIDS.—

3 “(I) IN GENERAL.—The Sec-
4 retary shall, subject to subclause (III),
5 using the valid prescriber National
6 Provider Identifiers included pursuant
7 to subparagraph (A) on claims for
8 covered part D drugs for part D eligi-
9 ble individuals enrolled in prescription
10 drug plans under this part or MA–PD
11 plans under part C and based on the
12 threshold established under subclause
13 (II), conduct an analysis to identify
14 prescribers that are outlier opioid pre-
15 scribers for a period specified by the
16 Secretary.

17 “(II) ESTABLISHMENT OF
18 THRESHOLD.—For purposes of sub-
19 clause (I) and subject to subclause
20 (III), the Secretary shall, after con-
21 sultation with stakeholders, establish
22 a threshold, based on prescriber spe-
23 cialty and geographic area, for identi-
24 fying whether a prescriber in a spe-
25 cialty and geographic area is an

1 outlier prescriber of opioids as com-
2 pared to other prescribers of opioids
3 within such specialty and area.

4 “(III) EXCLUSIONS.—The Sec-
5 retary may exclude the following indi-
6 viduals and prescribers from the anal-
7 ysis under this clause:

8 “(aa) Individuals receiving
9 hospice services.

10 “(bb) Individuals with a
11 cancer diagnosis.

12 “(cc) Prescribers who are
13 the subject of an investigation by
14 the Centers for Medicare & Med-
15 icaid Services or the Office of In-
16 spector General of the Depart-
17 ment of Health and Human
18 Services.

19 “(iii) CONTENTS OF NOTIFICATION.—
20 The Secretary shall, based on input from
21 stakeholders, specify the resources and
22 other information to be included in notifi-
23 cations provided under clause (i).

24 “(iv) MODIFICATIONS AND EXPAN-
25 SIONS.—

1 “(I) FREQUENCY.—Beginning 5
2 years after the date of the enactment
3 of this subparagraph, the Secretary
4 may change the frequency of the noti-
5 fications described in clause (i) based
6 on stakeholder input.

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

18 “(v) OPIOIDS DEFINED.—For pur-
19 poses of this subparagraph, the term
20 ‘opioids’ has such meaning as specified by
21 the Secretary through program instruction
22 or otherwise.”.

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