

116TH CONGRESS
2D SESSION

S. 4702

To amend title XIX of the Social Security Act to encourage appropriate prescribing under Medicaid for victims of opioid overdose.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mr. TOOMEY (for himself and Mr. MANCHIN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to encourage appropriate prescribing under Medicaid for victims of opioid overdose.

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 “Improving Medicaid
5 Programs’ Response to Overdose Victims and Enhancing
6 Addiction Care Act” or the “IMPROVE Addiction Care
7 Act”.

1 **SEC. 2. ENCOURAGING APPROPRIATE PRESCRIBING**
2 **UNDER MEDICAID FOR VICTIMS OF OPIOID**
3 **OVERDOSE.**

4 (a) IN GENERAL.—Section 1927(g)(2) of the Social
5 Security Act (42 U.S.C. 1396r–8(g)(2)) is amended by
6 adding at the end the following new subparagraph:

7 “(E) ADDITIONAL DRUG USE REVIEW RE-
8 QUIREMENTS.—As part of a State’s prospective
9 and retrospective drug use review under sub-
10 paragraphs (A) and (B), as applicable, the
11 State shall, not later than January 1, 2022, de-
12 velop and implement, or review and update,
13 protocols to, subject to any applicable privacy
14 or confidentiality protections—

15 “(i) identify individuals receiving ben-
16 efits under this title who have experienced
17 a nonfatal opioid-related overdose within
18 the last 5 years, to the extent that such
19 data is available, and make a good faith ef-
20 fort to connect these individuals to treat-
21 ment options that have been determined
22 appropriate by the Secretary;

23 “(ii) if an individual receiving benefits
24 under this title experiences a fatal overdose
25 that is opioid-related (or, if specified by
26 the Secretary, related to another covered

1 outpatient drug), not later than 6 months
2 after the date of such overdose—

3 “(I) notify each provider that,
4 during the period (to be established
5 by the Secretary) preceding such over-
6 dose, prescribed opioids (or such other
7 specified covered outpatient drug, if
8 applicable) to such individual of such
9 overdose; and

10 “(II) provide each such provider
11 with educational materials on pre-
12 scribing opioids (or such other speci-
13 fied covered outpatients drugs, if ap-
14 plicable);

15 “(iii) ensure that a provider who is
16 treating an individual receiving benefits
17 under this title has notice of the individ-
18 ual’s diagnosis or history of opioid use dis-
19 order, opioid poisoning diagnosis, or his-
20 tory of nonfatal opioid-related overdose;
21 and

22 “(iv) perform ongoing retrospective
23 drug utilization reviews and offer provider
24 education that is informed by such reviews
25 (which may include education provided

1 under an educational outreach program es-
2 tablished under subparagraph (D) or
3 through an intervention described in para-
4 graph (3)(C)(iii) regarding appropriate
5 prescribing practices for individuals receiv-
6 ing benefits under this title with a diag-
7 nosis or history of opioid use disorder, a
8 history of nonfatal opioid-related overdose,
9 or an opioid poisoning diagnosis.”.

10 (b) TECHNICAL AMENDMENTS.—Section 1932(i) of
11 the Social Security Act (42 U.S.C. 1396u–2(i)) is amend-
12 ed—

13 (1) by striking “section 483.3(s)(4)” and in-
14 serting “section 438.3(s)(4)”; and

15 (2) by striking “483.3(s)(5)” and inserting
16 “438.3(s)(5)”.

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