



115TH CONGRESS
2D SESSION

S. _____

To amend title XVIII of the Social Security Act to provide for certain program integrity transparency measures under Medicare parts C and D.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend title XVIII of the Social Security Act to provide for certain program integrity transparency measures under Medicare parts C and D.

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 “Strengthening Part-
5 nerships to Prevent Opioid Abuse Act of 2018”.

1 **SEC. 2. PROGRAM INTEGRITY TRANSPARENCY MEASURES**
2 **UNDER MEDICARE PARTS C AND D.**

3 (a) IN GENERAL.—Section 1859 of the Social Secu-
4 rity Act (42 U.S.C. 1395w–28) is amended by adding at
5 the end the following new subsection:

6 “(i) PROGRAM INTEGRITY TRANSPARENCY MEAS-
7 URES.—

8 “(1) PROGRAM INTEGRITY PORTAL.—

9 “(A) IN GENERAL.—Not later than 2 years
10 after the date of the enactment of this sub-
11 section, the Secretary shall, after consultation
12 with stakeholders, establish a secure Internet
13 website portal that would allow a secure path
14 for communication between the Secretary, MA
15 plans under this part, prescription drug plans
16 under part D, and an eligible entity with a con-
17 tract under section 1893 (such as a Medicare
18 drug integrity contractor or any successor enti-
19 ty to a Medicare drug integrity contractor), in
20 accordance with subsection (j)(3) of such sec-
21 tion, for the purpose of enabling through such
22 portal—

23 “(i) the referral by such plans of sus-
24 picious activities of a provider of services
25 (including a prescriber) or supplier related
26 to fraud, waste, and abuse for initiating or

1 assisting investigations conducted by the
2 eligible entity; and

3 “(ii) data sharing among such MA
4 plans, prescription drug plans, and the
5 Secretary (including with respect to infor-
6 mation for activities under section
7 1893(j)).

8 “(B) REQUIRED USES OF PORTAL.—The
9 Secretary shall disseminate the following infor-
10 mation to MA plans under this part and pre-
11 scription drug plans under part D through the
12 secure Internet website portal established under
13 subparagraph (A):

14 “(i) Providers of services and sup-
15 pliers that have been referred pursuant to
16 subparagraph (A)(i) during the previous
17 12-month period.

18 “(ii) Providers of services and sup-
19 pliers who are the subject of an active ex-
20 clusion under section 1128 or who are sub-
21 ject to a suspension of payment under this
22 title pursuant to section 1862(o) or other-
23 wise.

24 “(iii) Providers of services and sup-
25 pliers who are the subject of an active rev-

1 ocation of participation under this title, in-
2 cluding for not satisfying conditions of par-
3 ticipation.

4 “(iv) In the case of such a plan that
5 makes a referral under subparagraph
6 (A)(i) through the portal with respect to
7 suspicious activities of a provider of serv-
8 ices (including a prescriber) or supplier, if
9 such provider (or prescriber) or supplier
10 has been the subject of an administrative
11 action under this title or title XI with re-
12 spect to similar activities, a notification to
13 such plan of such action so taken.

14 “(C) RULEMAKING.—For purposes of this
15 paragraph, the Secretary shall, through rule-
16 making, specify what constitutes substantiated
17 fraud, waste, and abuse, using guidance such as
18 what is provided in the Medicare Program In-
19 tegrity Manual 4.7.1.

20 “(2) QUARTERLY REPORTS.—Beginning not
21 later than 2 years after the date of the enactment
22 of this subsection, the Secretary shall make available
23 to MA plans under this part and prescription drug
24 plans under part D in a timely manner (but no less
25 frequently than quarterly) and using information

1 submitted to an entity described in paragraph (1)
2 through the portal described in such paragraph or
3 pursuant to section 1893, information on fraud,
4 waste, and abuse schemes and trends in identifying
5 suspicious activity. Information included in each
6 such report shall—

7 “(A) include administrative actions, perti-
8 nent information related to opioid overpre-
9 scribing, and other data determined appropriate
10 by the Secretary in consultation with stake-
11 holders; and

12 “(B) be anonymized information submitted
13 by plans without identifying the source of such
14 information.

15 “(3) CLARIFICATION.—Nothing in this sub-
16 section shall preclude referrals to the Inspector Gen-
17 eral of the Department of Health and Human Serv-
18 ices or other law enforcement entities.”.

19 (b) CONTRACT REQUIREMENT TO COMMUNICATE
20 PLAN CORRECTIVE ACTIONS AGAINST OPIOIDS OVER-
21 PRESCRIBERS.—Section 1857(e)(4)(C) of the Social Secu-
22 rity Act (42 U.S.C. 1395w-27(e)(4)(C)) is amended by
23 adding at the end the following new paragraph:

24 “(5) COMMUNICATING PLAN CORRECTIVE AC-
25 TIONS AGAINST OPIOIDS OVER-PRESCRIBERS.—

“(A) IN GENERAL.—Beginning with plan years beginning on or after January 1, 2021, a contract under this section with an MA organization shall require the organization to submit to the Secretary, through the process established under subparagraph (B), information on credible evidence of suspected fraud and other actions taken by such plans related to inappropriate prescribing of opioids.

“(B) PROCESS.—Not later than January 1, 2021, the Secretary shall, in consultation with stakeholders, establish a process under which MA plans and prescription drug plans shall submit to the Secretary information described in subparagraph (A).

“(C) REGULATIONS.—For purposes of this paragraph, including as applied under section 1860D–12(b)(3)(D), the Secretary shall, pursuant to rulemaking—

“(i) specify a definition for the term ‘inappropriate prescribing of opioids’ and a method for determining if a provider of services prescribes such a high volume; and

“(ii) establish the process described in subparagraph (B) and the types of infor-

1 mation that may be submitted through
2 such process.”.

3 (c) REFERENCE UNDER PART D TO PROGRAM IN-
4 INTEGRITY TRANSPARENCY MEASURES.—Section 1860D-4
5 of the Social Security Act (42 U.S.C. 1395w-104) is
6 amended by adding at the end the following new sub-
7 section:

8 “(m) PROGRAM INTEGRITY TRANSPARENCY MEAS-
9 URES.—For program integrity transparency measures ap-
10 plied with respect to prescription drug plan and MA plans,
11 see section 1859(i).”.

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