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(Original Signature of Member)

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.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. ROSKAM introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## 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.”.