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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.** 5686

To amend title XVIII of the Social Security Act to require prescription drug plans under Medicare part D to include information on the adverse effects of opioid overutilization and of coverage of nonpharmacological therapies and nonopioid medications or devices used to treat pain.

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IN THE HOUSE OF REPRESENTATIVES

Mr. PAULSEN 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 prescription drug plans under Medicare part D to include information on the adverse effects of opioid overutilization and of coverage of nonpharmacological therapies and nonopioid medications or devices used to treat pain.

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 “Medicare Clear Health  
5 Options in Care for Enrollees Act of 2018” or the “Medi-  
6 care CHOICE Act of 2018”.

1 **SEC. 2. REQUIRING MEDICARE PART D PRESCRIPTION**  
2 **DRUG PLANS TO INCLUDE INFORMATION ON**  
3 **ADVERSE EFFECTS RELATING TO OPIOIDS**  
4 **AND COVERAGE OF NONPHARMACOLOGICAL**  
5 **THERAPIES AND NONOPIOID MEDICATIONS**  
6 **OR DEVICES USED TO TREAT PAIN.**

7 Section 1860D-4(a)(1) of the Social Security Act (42  
8 U.S.C. 1395w-104(a)(1)) is amended—

9 (1) in subparagraph (A), by inserting “, subject  
10 to subparagraph (C),” before “including”;

11 (2) in subparagraph (B), by adding at the end  
12 the following new clause:

13 “(vi) For plan year 2021 and each  
14 subsequent plan year, subject to subpara-  
15 graph (C), with respect to the treatment of  
16 pain—

17 “(I) the adverse effects of pro-  
18 longed opioid use; and

19 “(II) coverage of nonpharma-  
20 cological therapies, devices, and  
21 nonopioid medications—

22 “(aa) in the case of an MA-  
23 PD plan under part C, under  
24 such plan; and

25 “(bb) in the case of a pre-  
26 scription drug plan under such

1 plan and under parts A and B.”;

2 and

3 (3) by adding at the end the following new sub-  
4 paragraph:

5 “(C) TARGETED PROVISION OF INFORMA-  
6 TION.—A PDP sponsor of a prescription drug  
7 plan may, in lieu of disclosing the information  
8 described in subparagraph (B)(vi) to each en-  
9 rollee under the plan, disclose such information  
10 through mail or electronic communications to a  
11 subset of enrollees under the plan, such as en-  
12 rollees who have been prescribed an opioid in  
13 the previous two-year period.”.