

117TH CONGRESS
1ST SESSION

S. _____

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

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

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 24 months after the
12 date of enactment of this subparagraph, develop
13 and implement, or review and update, protocols
14 to, subject to any applicable State or Federal
15 privacy or confidentiality protections that could
16 preclude such protocols—

17 “(i) identify individuals receiving ben-
18 efits under this title who have experienced
19 a nonfatal opioid-related overdose within a
20 look-back period (to be determined by the
21 Secretary except that such period shall not
22 be less than 1 year and shall not exceed 5
23 years), to the extent that such data is
24 available, and make a good faith effort to
25 connect these individuals to treatment op-

1 tions that have been determined appro-
2 priate by the Secretary;

3 “(ii) if an individual receiving benefits
4 under this title experiences a fatal overdose
5 that is opioid-related (or, if specified by
6 the Secretary, related to any other covered
7 outpatient drug), not later than 6 months
8 after the date of such overdose—

9 “(I) provide notice of such over-
10 dose to each provider that, during the
11 period (to be established by the Sec-
12 retary) preceding such overdose, pre-
13 scribed opioids (or such other speci-
14 fied covered outpatient drug, if appli-
15 cable) to such individual, to the extent
16 that such data is available; and

17 “(II) provide each such provider
18 with educational materials on pre-
19 scribing opioids (or such other speci-
20 fied covered outpatients drugs, if ap-
21 plicable);

22 “(iii) ensure that a provider who is
23 treating an individual receiving benefits
24 under this title has notice of the individ-
25 ual’s diagnosis or history of opioid use dis-

1 order, opioid poisoning diagnosis, history
2 of nonfatal opioid-related overdose, or his-
3 tory of abuse or overdose for such other
4 specified covered outpatient drug, if appli-
5 cable, to the extent such data is available;
6 and

7 “(iv) perform ongoing retrospective
8 drug utilization reviews and offer provider
9 education that is informed by such reviews
10 (which may include education provided
11 under an educational outreach program es-
12 tablished under subparagraph (D) or
13 through an intervention described in para-
14 graph (3)(C)(iii)) regarding appropriate
15 prescribing practices for individuals receiv-
16 ing benefits under this title with a diag-
17 nosis or history of opioid use disorder, a
18 history of nonfatal opioid-related overdose,
19 an opioid poisoning diagnosis, or history of
20 abuse or overdose for such other specified
21 covered outpatient drug, if applicable.

22 Nothing in this subparagraph shall be con-
23 strued as requiring a State to develop and im-
24 plement additional protocols if the State estab-
25 lishes to the satisfaction of the Secretary that

1 the State has in place existing protocols meet-
2 ing or exceeding the standards set forth in this
3 subparagraph.”.

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

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

9 (2) by striking “483.3(s)(5)” and inserting
10 “438.3(s)(5)”.