

116TH CONGRESS  
2D SESSION

# H. R. 8388

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2020

Mr. MULLIN (for himself and Mr. ROUDA) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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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