

115TH CONGRESS  
2D SESSION

# S. 3327

To amend title XVIII of the Social Security Act to authorize the suspension of payments by Medicare prescription drug plans and MA–PD plans pending investigations of credible allegations of fraud by pharmacies.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2018

Ms. CORTEZ MASTO (for herself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to authorize the suspension of payments by Medicare prescription drug plans and MA–PD plans pending investigations of credible allegations of fraud by pharmacies.

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 “Stop Excessive Nar-  
5       cotics In Our Retirement Communities Protection Act” or  
6       the “SENIOR Communities Protection Act”.

1 **SEC. 2. SUSPENSION OF PAYMENTS BY MEDICARE PRE-**  
 2 **SCRIPTION DRUG PLANS AND MA-PD PLANS**  
 3 **PENDING INVESTIGATIONS OF CREDIBLE AL-**  
 4 **LEGATIONS OF FRAUD BY PHARMACIES.**

5 (a) IN GENERAL.—Section 1860D–12(b) of the So-  
 6 cial Security Act (42 U.S.C. 1395w–112(b)) is amended  
 7 by adding at the end the following new paragraph:

8 “(7) SUSPENSION OF PAYMENTS PENDING IN-  
 9 VESTIGATION OF CREDIBLE ALLEGATIONS OF FRAUD  
 10 BY PHARMACIES.—

11 “(A) IN GENERAL.—The provisions of sec-  
 12 tion 1862(o) shall apply with respect to a PDP  
 13 sponsor with a contract under this part, a phar-  
 14 macy, and payments to such pharmacy under  
 15 this part in the same manner as such provisions  
 16 apply with respect to the Secretary, a provider  
 17 of services or supplier, and payments to such  
 18 provider of services or supplier under this title.

19 “(B) RULE OF CONSTRUCTION.—Nothing  
 20 in this paragraph shall be construed as limiting  
 21 the authority of a PDP sponsor to conduct  
 22 postpayment review.”.

23 (b) APPLICATION TO MA-PD PLANS.—Section  
 24 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–  
 25 27(f)(3)) is amended by adding at the end the following  
 26 new subparagraph:

1                   “(D) SUSPENSION OF PAYMENTS PENDING  
 2                   INVESTIGATION OF CREDIBLE ALLEGATIONS OF  
 3                   FRAUD BY PHARMACIES.—Section 1860D–  
 4                   12(b)(7).”.

5           (c) CONFORMING AMENDMENT.—Section 1862(o)(3)  
 6 of the Social Security Act (42 U.S.C. 1395y(o)(3)) is  
 7 amended by inserting “, section 1860D–12(b)(7) (includ-  
 8 ing as applied pursuant to section 1857(f)(3)(D)),” after  
 9 “this subsection”.

10          (d) CLARIFICATION RELATING TO CREDIBLE ALLE-  
 11 GATION OF FRAUD.—Section 1862(o) of the Social Secu-  
 12 rity Act (42 U.S.C. 1395y(o)) is amended by adding at  
 13 the end the following new paragraph:

14                   “(4) CREDIBLE ALLEGATION OF FRAUD.—In  
 15 carrying out this subsection, section 1860D–  
 16 12(b)(7) (including as applied pursuant to section  
 17 1857(f)(3)(D)), and section 1903(i)(2)(C), a fraud  
 18 hotline tip (as defined by the Secretary) without fur-  
 19 ther evidence shall not be treated as sufficient evi-  
 20 dence for a credible allegation of fraud.”.

21          (e) EFFECTIVE DATE.—The amendments made by  
 22 this section shall apply with respect to plan years begin-  
 23 ning on or after January 1, 2020.

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