

115TH CONGRESS
2D SESSION

S. 2902

To amend title XIX of the Social Security Act to facilitate Medicaid access to State prescription drug monitoring programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2018

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

A BILL

To amend title XIX of the Social Security Act to facilitate Medicaid access to State prescription drug monitoring programs, and for other purposes.

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 “Better Data Sharing
5 to Combat the Opioid Crisis Act”.

6 **SEC. 2. FACILITATING MEDICAID ACCESS TO STATE PRE-**
7 **SCRIPTION DRUG MONITORING PROGRAMS.**

8 (a) IN GENERAL.—Section 1903(m) of the Social Se-
9 curity Act (42 U.S.C. 1396b(m)) is amended by adding
10 at the end the following new paragraph:

1 “(7)(A) The State agency administering the State
2 plan under this title may have reasonable access, as deter-
3 mined by the State, to 1 or more prescription drug moni-
4 toring program databases administered or accessed by the
5 State to the extent the State agency is permitted to access
6 such databases under State law.

7 “(B) Such State agency may facilitate reasonable ac-
8 cess, as determined by the State, to 1 or more prescription
9 drug monitoring program databases administered or
10 accessed by the State, to same extent that the State agen-
11 cy is permitted under State law to access such databases,
12 for—

13 “(i) any provider enrolled under the State plan
14 to provide services to Medicaid beneficiaries; and

15 “(ii) any managed care entity (as defined under
16 section 1932(a)(1)(B)) that has a contract with the
17 State under this subsection or under section
18 1905(t)(3).

19 “(C) Such State agency may share information in
20 such databases, to the same extent that the State agency
21 is permitted under State law to share information in such
22 databases, with—

23 “(i) any provider enrolled under the State plan
24 to provide services to Medicaid beneficiaries; and

1 “(ii) any managed care entity (as defined under
2 section 1932(a)(1)(B)) that has a contract with the
3 State under this subsection or under section
4 1905(t)(3).”.

5 (b) SECURITY AND PRIVACY.—All applicable State
6 and Federal security and privacy protections and laws
7 shall apply to any State agency, individual, or entity ac-
8 cessing 1 or more prescription drug monitoring program
9 databases or obtaining information in such databases in
10 accordance with section 1903(m)(7) of the Social Security
11 Act (42 U.S.C. 1396b(m)(7)) (as added by subsection
12 (a)).

13 (c) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on the date of enactment
15 of this Act.

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