

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5676
OFFERED BY MR. BRADY OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Stop Excessive Nar-
3 cotics in our Retirement Communities Protection Act of
4 2018” or the “SENIOR Communities Protection Act of
5 2018”.

**6 SEC. 2. SUSPENSION OF PAYMENTS BY MEDICARE PRE-
7 SCRIPTURE DRUG PLANS AND MA-PD PLANS
8 PENDING INVESTIGATIONS OF CREDIBLE AL-
9 LEGATIONS OF FRAUD BY PHARMACIES.**

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

13 “(7) SUSPENSION OF PAYMENTS PENDING IN-
14 VESTIGATION OF CREDIBLE ALLEGATIONS OF FRAUD
15 BY PHARMACIES.—

16 “(A) IN GENERAL.—The provisions of sec-
17 tion 1862(o) shall apply with respect to a PDP
18 sponsor with a contract under this part, a phar-

1 macy, and payments to such pharmacy under
2 this part in the same manner as such provisions
3 apply with respect to the Secretary, a provider
4 of services or supplier, and payments to such
5 provider of services or supplier under this title.

6 “(B) RULE OF CONSTRUCTION.—Nothing
7 in this paragraph shall be construed as limiting
8 the authority of a PDP sponsor to conduct
9 postpayment review.”.

10 (b) APPLICATION TO MA–PD PLANS.—Section
11 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–
12 27(f)(3)) is amended by adding at the end the following
13 new subparagraph:

14 “(D) SUSPENSION OF PAYMENTS PENDING
15 INVESTIGATION OF CREDIBLE ALLEGATIONS OF
16 FRAUD BY PHARMACIES.—Section 1860D–
17 12(b)(7).”.

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

23 (d) CLARIFICATION RELATING TO CREDIBLE ALLE-
24 GATION OF FRAUD.—Section 1862(o) of the Social Secu-

1 rity Act (42 U.S.C. 1395y(o)) is amended by adding at
2 the end the following new paragraph:

3 “(4) CREDIBLE ALLEGATION OF FRAUD.—In
4 carrying out this subsection, section 1860D–
5 12(b)(7) (including as applied pursuant to section
6 1857(f)(3)(D)), and section 1903(i)(2)(C), a fraud
7 hotline tip (as defined by the Secretary) without fur-
8 ther evidence shall not be treated as sufficient evi-
9 dence for a credible allegation of fraud.”.

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

