

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5723  
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 “Expanding Oversight  
3 of Opioid Prescribing and Payment Act of 2018”.

**4 SEC. 2. MEDICARE PAYMENT ADVISORY COMMISSION RE-  
5 PORT ON OPIOID PAYMENT, ADVERSE INCEN-  
6 TIVES, AND DATA UNDER THE MEDICARE  
7 PROGRAM.**

8 Not later than March 15, 2019, the Medicare Pay-  
9 ment Advisory Commission shall submit to Congress a re-  
10 port on, with respect to the Medicare program under title  
11 XVIII of the Social Security Act, the following:

12 (1) A description of how the Medicare program  
13 pays for pain management treatments (both opioid  
14 and non-opioid pain management alternatives) in  
15 both inpatient and outpatient hospital settings.

16 (2) The identification of incentives under the  
17 hospital inpatient prospective payment system under  
18 section 1886 of the Social Security Act (42 U.S.C.

1 1395ww) and incentives under the hospital out-  
2 patient prospective payment system under section  
3 1833(t) of such Act (42 U.S.C. 1395l(t)) for pre-  
4 scribing opioids and incentives under each such sys-  
5 tem for prescribing non-opioid treatments, and rec-  
6 ommendations as the Commission deems appropriate  
7 for addressing any of such incentives that are ad-  
8 verse incentives.

9 (3) A description of how opioid use is tracked  
10 and monitored through Medicare claims data and  
11 other mechanisms and the identification of any areas  
12 in which further data and methods are needed for  
13 improving data and understanding of opioid use.

