

Union Calendar No. 573

116TH CONGRESS
2D SESSION

H. R. 3414

[Report No. 116–690, Part I]

To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions to help combat the opioid crisis.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2019

Mr. SCHNEIDER (for himself, Mrs. BROOKS of Indiana, Ms. KUSTER of New Hampshire, and Ms. STEFANIK) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 24, 2020

Additional sponsors: Mr. KING of New York, Ms. HOULAHAN, Mr. FITZPATRICK, Mr. KILMER, Mr. DELGADO, Mr. LARSON of Connecticut, Mr. MORELLE, Mr. KRISHNAMOORTHY, Ms. SLOTKIN, Mr. TRONE, Miss RICE of New York, Ms. CLARK of Massachusetts, Mr. DANNY K. DAVIS of Illinois, Mr. COLLINS of New York, Ms. HILL of California, Mr. ROUDA, Mr. MEEKS, Mr. SUOZZI, Mr. STIVERS, Mr. ROSE of New York, Ms. MENG, Ms. VELÁZQUEZ, Mr. KATKO, Mr. HIGGINS of New York, Ms. WILD, Mr. TONKO, Mr. RASKIN, Mr. PAPPAS, Mrs. CAROLYN B. MALONEY of New York, Mr. KIM, Mr. SEAN PATRICK MALONEY of New York, Mr. VAN DREW, Mrs. AXNE, Mr. KENNEDY, Ms. STEVENS, Mr. RUTHERFORD, Mr. EVANS, Ms. DEAN, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. SCANLON, Mr. SARBANES, Ms. BLUNT ROCHESTER, Mr. MCGOVERN, Mr. BALDERSON, Mr. BUTTERFIELD, Ms. SEWELL of Alabama, Mr. ENGEL, Mr. BRINDISI, Ms. UNDERWOOD, Mr. LYNCH, Ms. CLARKE of New York, Mr. CONNOLLY, Mr. CISNEROS, Mr. PANETTA, Mr. RESCENTIALER, Mr. CUELLAR, Mrs. MURPHY of Florida, Mr. VIS-CLOSKY, Mr. ESPAILLAT, Mr. HASTINGS, Mr. LAMB, Mr. SIRES, Mr. ROGERS of Alabama, Ms. KELLY of Illinois, Mr. GALLEGO, Mr. TED LIEU of California, Mr. RUSH, Mr. LUJÁN, Mr. GONZALEZ of Texas, Mr. THOMPSON of Mississippi, and Mr. WELCH

DECEMBER 24, 2020

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 24, 2020

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 21, 2019]

A BILL

To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions to help combat the opioid crisis.

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 “Opioid Workforce Act*
5 *of 2019”.*

6 **SEC. 2. DISTRIBUTION OF ADDITIONAL RESIDENCY POSI-**
7 **TIONS TO HELP COMBAT OPIOID CRISIS.**

8 *(a) IN GENERAL.—Section 1886(h) of the Social Secu-*
9 *rity Act (42 U.S.C. 1395ww(h)) is amended—*

10 *(1) in paragraph (4)(F)(i), by striking “para-*
11 *graphs (7) and (8)” and inserting “paragraphs (7),*
12 *(8), and (9)”;*

13 *(2) in paragraph (4)(H)(i), by striking “para-*
14 *graphs (7) and (8)” and inserting “paragraphs (7),*
15 *(8), and (9)”;*

16 *(3) in paragraph (7)(E), by inserting “para-*
17 *graph (9),” after “paragraph (8),”; and*

18 *(4) by adding at the end the following new para-*
19 *graph:*

20 *“(9) DISTRIBUTION OF ADDITIONAL RESIDENCY*
21 *POSITIONS TO HELP COMBAT OPIOID CRISIS.—*

22 *“(A) ADDITIONAL RESIDENCY POSITIONS.—*
23 *During the period of fiscal years 2022 through*
24 *2026 (and succeeding fiscal years if the Sec-*
25 *retary determines that there are additional full-*

1 *time-equivalent residency positions available to*
2 *distribute under subparagraph (D)), the Sec-*
3 *retary shall distribute additional full-time-equiv-*
4 *alent residency positions to increase the other-*
5 *wise applicable resident limit for each qualifying*
6 *hospital that submits a timely application under*
7 *this paragraph by such number as the Secretary*
8 *may approve, effective beginning July 1 of the*
9 *fiscal year of the increase. The aggregate number*
10 *of additional full-time-equivalent residency posi-*
11 *tions available for distribution under this para-*
12 *graph shall be equal to 500 in fiscal year 2022*
13 *and 500 over the period of fiscal years 2023*
14 *through 2026, distributed in accordance with the*
15 *succeeding subparagraphs of this paragraph.*

16 *“(B) DISTRIBUTION FOR FISCAL YEAR*
17 *2022.—*

18 *“(i) IN GENERAL.—For fiscal year*
19 *2022, the positions available for distribu-*
20 *tion for such fiscal year (as described in*
21 *subparagraph (A)) may only be distributed*
22 *to hospitals that have established (as of the*
23 *date of the enactment of this paragraph)*
24 *approved programs in addiction medicine,*

1 *addiction psychiatry, or pain medicine, as*
2 *determined by the Secretary.*

3 “(ii) *CONSIDERATIONS IN DISTRIBUTION.—The Secretary shall distribute addi-*
4 *tional residency positions under this sub-*
5 *paragraph based on the demonstrated likeli-*
6 *hood, as determined by the Secretary, of the*
7 *hospital filling such positions within the*
8 *first 4 training years (as specified by the*
9 *Secretary) after the increase would be effec-*
10 *tive.*

11 “(iii) *REQUIREMENTS.—A hospital*
12 *that receives an increase in the otherwise*
13 *applicable resident limit under this sub-*
14 *paragraph shall ensure, during the 5-year*
15 *period beginning after the date of such in-*
16 *crease, that the hospital uses the positions*
17 *made available under this subparagraph for*
18 *a program described in clause (i) or a pro-*
19 *gram that is a prerequisite (as determined*
20 *by the Secretary) for such a program so de-*
21 *scribed, such as internal medicine. The Sec-*
22 *retary may determine whether a hospital*
23 *has met the requirements under this clause*
24 *during such 5-year period in such manner*
25

1 *and at such time as the Secretary deter-*
2 *mines appropriate, including at the end of*
3 *such 5-year period.*

4 “(iv) *REDISTRIBUTION OF POSITIONS*
5 *IF HOSPITAL NO LONGER MEETS CERTAIN*
6 *REQUIREMENTS.—In the case in which the*
7 *Secretary determines that a hospital de-*
8 *scribed in clause (iii) does not meet the re-*
9 *quirements of such clause, the Secretary*
10 *shall—*

11 “(I) *reduce the otherwise applica-*
12 *ble resident limit of the hospital by the*
13 *amount by which such limit was in-*
14 *creased under this subparagraph; and*

15 “(II) *provide for the distribution*
16 *of positions attributable to such reduc-*
17 *tion in accordance with the require-*
18 *ments of this paragraph.*

19 “(v) *POSITIONS NOT DISTRIBUTED*
20 *DURING FISCAL YEAR 2022.—If the number*
21 *of full-time-equivalent residency positions*
22 *distributed under this subparagraph is less*
23 *than the aggregate number of positions*
24 *available for distribution for fiscal year*
25 *2022 (as described in subparagraph (A)),*

1 the difference between such number distrib-
2 uted and such number available for dis-
3 tribution shall be added to the aggregate
4 number of positions available for distribu-
5 tion under subparagraph (C).

6 “(C) *DISTRIBUTION FOR FISCAL YEARS 2023*
7 *THROUGH 2026.*—

8 “(i) *IN GENERAL.*—For the period of
9 fiscal years 2023 through 2026, the posi-
10 tions available for distribution for such pe-
11 riod (as described in subparagraph (A)),
12 and any positions made available pursuant
13 to subparagraph (B)(v), shall be distributed
14 to hospitals which demonstrate to the Sec-
15 retary that the hospital has established or
16 will establish an approved residency train-
17 ing program in addiction medicine, addic-
18 tion psychiatry, or pain medicine.

19 “(ii) *CONSIDERATIONS IN DISTRIBUTION.*—The Secretary shall distribute addi-
20 tional residency positions under this sub-
21 paragraph based on the demonstrated likeli-
22 hood, as determined by the Secretary, of the
23 hospital filling such positions within the
24 hospital filling such positions within the
25 first 4 training years (as specified by the

1 Secretary) after the increase would be effec-
2 tive.

3 “(iii) *REQUIREMENTS.*—A hospital
4 that receives an increase in the otherwise
5 applicable resident limit under this sub-
6 paragraph shall ensure, during the 5-year
7 period beginning after the date of such in-
8 crease, that the hospital uses the positions
9 made available under this subparagraph for
10 a program described in clause (i) or a pro-
11 gram that is a prerequisite (as determined
12 by the Secretary) for such a program so de-
13 scribed, such as internal medicine. The Sec-
14 retary may determine whether a hospital
15 has met the requirements under this clause
16 during such 5-year period in such manner
17 and at such time as the Secretary deter-
18 mines appropriate, including at the end of
19 such 5-year period.

20 “(iv) *REDISTRIBUTION OF POSITIONS*
21 *IF HOSPITAL NO LONGER MEETS CERTAIN*
22 *REQUIREMENTS.*—In the case where the Sec-
23 retary determines that a hospital described
24 in clause (iii) does not meet the require-
25 ments of such clause, the Secretary shall—

1 “(I) reduce the otherwise applica-
2 ble resident limit of the hospital by the
3 amount by which such limit was in-
4 creased under this subparagraph; and

5 “(II) provide for the distribution
6 of positions attributable to such reduc-
7 tion in accordance with the require-
8 ments of this paragraph.

9 “(D) *DISTRIBUTION OF REMAINING POSI-*
10 *TIONS.—If the aggregate number of positions dis-*
11 *tributed under subparagraphs (B) and (C) dur-*
12 *ing the period of fiscal years 2022 through 2026*
13 *is less than 1000, the Secretary shall distribute*
14 *the remaining residency positions in succeeding*
15 *fiscal years according to criteria consistent with*
16 *this paragraph until such time as the aggregate*
17 *amount of positions distributed under this para-*
18 *graph is equal to 1000.*

19 “(E) *LIMITATION.—An individual hospital*
20 *may not receive more than 25 full-time-equiva-*
21 *lent residency positions under this paragraph.*

22 “(F) *NOTIFICATION.—The Secretary shall*
23 *notify hospitals of the number of positions dis-*
24 *tributed to the hospital under this paragraph as*
25 *a result of an increase in the otherwise applica-*

1 *ble resident limit by January 1 of the fiscal year*
2 *of the increase. Such increase shall be effective*
3 *beginning July 1 of that fiscal year.*

4 “(G) *APPLICATION OF PER RESIDENT*
5 *AMOUNTS FOR PRIMARY CARE AND NONPRIMARY*
6 *CARE.—With respect to additional residency po-*
7 *sitions in a hospital attributable to the increase*
8 *provided under this paragraph, the approved*
9 *FTE per resident amounts are deemed to be*
10 *equal to the hospital per resident amounts for*
11 *primary care and nonprimary care computed*
12 *under paragraph (2)(D) for that hospital.*

13 “(H) *PERMITTING FACILITIES TO APPLY AG-*
14 *GREGATION RULES.—The Secretary shall permit*
15 *hospitals receiving additional residency positions*
16 *attributable to the increase provided under this*
17 *paragraph to, beginning in the fifth year after*
18 *the effective date of such increase, apply such po-*
19 *sitions to the limitation amount under para-*
20 *graph (4)(F) that may be aggregated pursuant to*
21 *paragraph (4)(H) among members of the same*
22 *affiliated group.*

23 “(I) *CLARIFICATION.—Chapter 35 of title*
24 *44, United States Code, shall not apply to the*
25 *implementation of this paragraph.*

1 “(J) *DEFINITIONS.*—*In this paragraph:*

2 “(i) *OTHERWISE APPLICABLE RESI-*
3 *DENT LIMIT.*—*The term ‘otherwise applica-*
4 *ble resident limit’ means, with respect to a*
5 *hospital, the limit otherwise applicable*
6 *under paragraph (4)(F)(i) on the resident*
7 *level for the hospital determined without re-*
8 *gard to this paragraph but taking into ac-*
9 *count paragraphs (7)(A), (7)(B), (8)(A),*
10 *and (8)(B).*

11 “(ii) *RESIDENT LEVEL.*—*The term*
12 *‘resident level’ has the meaning given such*
13 *term in paragraph (7)(C)(i).”.*

14 (b) *IME.*—

15 (1) *IN GENERAL.*—*Section 1886(d)(5)(B)(v) of*
16 *the Social Security Act (42 U.S.C.*
17 *1395ww(d)(5)(B)(v)), in the third sentence, is amend-*
18 *ed by striking “and (h)(8)” and inserting “(h)(8),*
19 *and (h)(9)”.*

20 (2) *CONFORMING PROVISION.*—*Section*
21 *1886(d)(5)(B) of the Social Security Act (42 U.S.C.*
22 *1395ww(d)(5)(B)) is amended—*

23 (A) *by redesignating clause (x), as added by*
24 *section 5505(b) of the Patient Protection and Af-*
25 *fordable Care Act (Public Law 111–148), as*

1 *clause (xi) and moving such clause 4 ems to the*
2 *left; and*

3 *(B) by adding after clause (xi), as redesign-*
4 *ated by subparagraph (A), the following new*
5 *clause:*

6 *“(xii) For discharges occurring on or after July*
7 *1, 2022, insofar as an additional payment amount*
8 *under this subparagraph is attributable to residency*
9 *positions distributed to a hospital under subsection*
10 *(h)(9), the indirect teaching adjustment factor shall be*
11 *computed in the same manner as provided under*
12 *clause (i) with respect to such residency positions.”.*

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