

115TH CONGRESS
2D SESSION

H. R. 5083

To amend title XVIII of the Social Security Act to provide for coverage of certain services furnished by opioid treatment programs under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2018

Mr. NEAL (for himself and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of certain services furnished by opioid treatment programs under the Medicare program.

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 “Expanding Access to
5 Evidence-Based Opioid Treatment for Seniors Act of
6 2018”.

1 **SEC. 2. MEDICARE COVERAGE OF CERTAIN SERVICES FUR-**
 2 **NISHED BY OPIOID TREATMENT PROGRAMS.**

3 (a) **COVERAGE.**—Section 1861(s)(2) of the Social Se-
 4 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

5 (1) in subparagraph (FF), by striking at the
 6 end “and”;

7 (2) in subparagraph (GG), by inserting at the
 8 end “; and”; and

9 (3) by adding at the end the following new sub-
 10 paragraph:

11 “(HH) opioid use disorder treatment serv-
 12 ices (as defined in subsection (jjj)).”.

13 (b) **OPIOID USE DISORDER TREATMENT SERVICES**
 14 **AND OPIOID TREATMENT PROGRAM DEFINED.**—Section
 15 1861 of the Social Security Act is amended by adding at
 16 the end the following new subsection:

17 “(jjj) **OPIOID USE DISORDER TREATMENT SERV-**
 18 **ICES; OPIOID TREATMENT PROGRAM.**—

19 “(1) **OPIOID USE DISORDER TREATMENT SERV-**
 20 **ICES.**—The term ‘opioid use disorder treatment serv-
 21 ices’ means items and services that—

22 “(A) are furnished for the treatment of
 23 opioid use disorder at an opioid treatment pro-
 24 gram enrolled under section 1866(j) by a physi-
 25 cian or other practitioner that is enrolled under
 26 such section; and

1 “(B) are certified by the Substance Abuse
2 and Mental Health Services Administration to
3 be provided by such program for such treat-
4 ment.

5 “(2) OPIOID TREATMENT PROGRAM.—The term
6 ‘opioid treatment program’ means an opioid treat-
7 ment program (as defined in section 8.2 of title 42
8 of the Code of Federal Regulations, or any successor
9 regulation) that has an opioid treatment program
10 certification (as defined in such section) in effect
11 and meets such other conditions of participation as
12 the Secretary may find necessary in the interest of
13 the health and safety of individuals who are fur-
14 nished services by such program.”.

15 (c) PAYMENT.—

16 (1) IN GENERAL.—Section 1833(a)(1) of the
17 Social Security Act (42 U.S.C. 1395l(a)(1)) is
18 amended—

19 (A) by striking “and (BB)” and inserting
20 “(BB)”; and

21 (B) by inserting before the semicolon at
22 the end the following “, and (CC) with respect
23 to opioid use disorder treatment services, the
24 amount paid shall be equal to 80 percent of the
25 amount determined under section 1834(w)”.

1 (2) PAYMENT DETERMINATION.—Section 1834
2 of the Social Security Act (42 U.S.C. 1395m) is
3 amended by adding at the end the following new
4 subsection:

5 “(w) OPIOID USE DISORDER TREATMENT SERV-
6 ICES.—

7 “(1) IN GENERAL.—The Secretary shall pay to
8 an opioid treatment program (as defined in para-
9 graph (2) of section 1861(jjj)) a bundled payment
10 under this part for opioid use disorder treatment
11 services (as defined in paragraph (1) of such sec-
12 tion) that are furnished during an episode of care
13 (as defined by the Secretary) beginning on or after
14 January 1, 2020, to an individual by a physician or
15 other practitioner at such program. Such payment
16 shall be in lieu of any payment that would otherwise
17 be made under this part to such physician or practi-
18 tioner for furnishing such services.

19 “(2) PAYMENT AMOUNT.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), the amount of a bundled payment
22 under this subsection, with respect to opioid use
23 disorder treatment services (as so defined) fur-
24 nished during an episode of care (as so defined)
25 beginning during 2020 or a subsequent year,

1 shall be an amount determined by the Secretary
2 that is based on the rates of payment for com-
3 parable services that are paid under State plans
4 under title XIX.

5 “(B) PERIODIC UPDATES.—The Secretary
6 shall, as determined necessary by the Secretary
7 (but not less frequently than once every 5
8 years), review and update the amount of a bun-
9 dled payment under this subsection with respect
10 to opioid use disorder treatment services (as so
11 defined) furnished during an episode of care (as
12 so defined).”.

13 (d) INCLUDING OPIOID TREATMENT PROGRAMS AS
14 MEDICARE PROVIDERS.—Section 1866 of the Social Secu-
15 rity Act (42 U.S.C. 1395cc) is amended—

16 (1) in subsection (e)—

17 (A) in paragraph (2), by striking at the
18 end “and”;

19 (B) in paragraph (3), by striking the pe-
20 riod at the end and inserting “; and”; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(3) opioid treatment programs (as defined in
24 paragraph (2) of section 1861(jjj)), but only with re-
25 spect to the furnishing of opioid use disorder treat-

1 ment services (as defined in paragraph (1) of such
2 section).”; and

3 (D) in subsection (j), by adding at the end
4 the following new paragraph:

5 “(10) ENHANCED OVERSIGHT FOR OPIOID
6 TREATMENT PROGRAMS.—The Secretary shall estab-
7 lish procedures to provide that opioid treatment pro-
8 grams (as defined in paragraph (2) of section
9 1866(jjj)) enrolling or reenrolling under this title are
10 subject to enhanced oversight, including by requiring
11 annual audits by the Inspector General of the De-
12 partment of Health and Human Services for each of
13 the first 5 years of such enrollment or reenrollment
14 of such program under this title and audits as
15 deemed necessary by the Inspector General for each
16 subsequent year of enrollment or reenrollment of
17 such program under this title to ensure compliance
18 of the program with the requirements of this sec-
19 tion.”.

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