

117TH CONGRESS
1ST SESSION

H. R. 4187

To amend title XVIII of the Social Security Act to provide coverage for certain vision items and services under part B of the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2021

Ms. SCHRIER (for herself, Mr. O'HALLERAN, Ms. DELBENE, and Ms. SLOTKIN) 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 coverage for certain vision items and services under part B of 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 “Medicare Vision Act
5 of 2021”.

1 **SEC. 2. PROVIDING COVERAGE FOR VISION CARE UNDER**
2 **THE MEDICARE PROGRAM.**

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 (GG), by striking “and”
6 after the semicolon at the end;

7 (2) in subparagraph (HH), by striking the pe-
8 riod at the end and adding “; and”; and

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

11 “(II) vision services (as defined in sub-
12 section (III));”.

13 (b) **VISION SERVICES DEFINED.**—Section 1861 of
14 the Social Security Act (42 U.S.C. 1395x) is amended by
15 adding at the end the following new subsection:

16 “(III) **VISION SERVICES.**—The term ‘vision services’
17 means—

18 “(1) routine eye examinations to determine the
19 refractive state of the eyes, including procedures per-
20 formed during the course of such examination; and

21 “(2) contact lens fitting services;
22 furnished on or after January 1, 2024, by or under the
23 direct supervision of an optometrist or ophthalmologist
24 who is legally authorized to furnish such examinations,
25 procedures, or fitting services (as applicable) under State
26 law (or the State regulatory mechanism provided by State

1 law) of the State in which the examinations, procedures,
2 or fitting services are furnished.”.

3 (c) PAYMENT; COINSURANCE; AND LIMITATIONS.—

4 (1) IN GENERAL.—Section 1833(a)(1) of the
5 Social Security Act (42 U.S.C. 1395l(a)(1)) is
6 amended—

7 (A) by striking “and” before “(DD)”; and

8 (B) by inserting before the semicolon at
9 the end the following: “, and (EE) with respect
10 to vision services (as defined in section
11 1861(l)), the amount paid shall be equal to 80
12 percent of the lesser of the actual charge or the
13 amount determined under the payment basis
14 determined under section 1848”.

15 (2) LIMITS SPECIFIED.—Section 1834 of the
16 Social Security Act (42 U.S.C. 1395m) is amended
17 by adding at the end the following new subsection:

18 “(z) LIMITATION FOR VISION SERVICES.—With re-
19 spect to vision services (as defined in section 1861(l))
20 and an individual, payment may be made under this part
21 for only 1 routine eye examination described in paragraph
22 (1) of such section and 1 contact lens fitting service de-
23 scribed in paragraph (2) of such section during a 1-year
24 period.”.

25 (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—

1 (1) IN GENERAL.—Section 1848(j)(3) of the
2 Social Security Act (42 U.S.C. 1395w-4(j)(3)) is
3 amended by inserting “(2)(II),” before “(3)”.

4 (2) BUDGET NEUTRALITY.—Section
5 1848(e)(2)(B)(iv) of the Social Security Act (42
6 U.S.C. 1395-w(e)(2)(B)(iv)) is amended—

7 (A) in subclause (III), by striking “and” at
8 the end;

9 (B) in subclause (IV), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (C) by adding at the end the following new
12 subclause:

13 “(V) the amendment made by
14 section 2(d)(1) of the Medicare Vision
15 Act of 2021 shall not be taken into
16 account in applying clause (ii)(II) for
17 2024 and 2025.”.

18 (e) COVERAGE OF CONVENTIONAL EYEGLASSES AND
19 CONTACT LENSES.—Section 1861(s)(8) of the Social Se-
20 curity Act (42 U.S.C. 1395x(s)(8)) is amended by striking
21 “, and including one pair of conventional eyeglasses or
22 contact lenses furnished subsequent to each cataract sur-
23 gery with insertion of an intraocular lens” and inserting
24 “, including one pair of conventional eyeglasses or contact
25 lenses furnished subsequent to each cataract surgery with

1 insertion of an intraocular lens, if furnished before Janu-
2 ary 1, 2024, and including conventional eyeglasses or con-
3 tact lenses, whether or not furnished subsequent to such
4 a surgery, if furnished on or after January 1, 2024”.

5 (f) SPECIAL PAYMENT RULES FOR EYEGLASSES AND
6 CONTACT LENSES.—

7 (1) LIMITATIONS.—Section 1834(h) of the So-
8 cial Security Act (42 U.S.C. 1395m(h)) is amended
9 by adding at the end the following new paragraph:

10 “(6) PAYMENT LIMITATIONS FOR EYEGLASSES
11 AND CONTACT LENSES.—

12 “(A) IN GENERAL.—With respect to eye-
13 glasses and contact lenses furnished to an indi-
14 vidual on or after January 1, 2024, subject to
15 subparagraph (B), payment may be made under
16 this part only—

17 “(i) during a 1-year period, for either
18 1 pair of eyeglasses (including lenses and
19 frames) or a 1-year supply that is provided
20 in not more than 180-day increments of
21 contact lenses;

22 “(ii) with respect to amounts attrib-
23 utable to the frames of such a pair of eye-
24 glasses and amounts attributable to con-

1 tact lenses furnished during a year, in an
2 amount not greater than—

3 “(I) for 2024, \$100; and

4 “(II) for a subsequent year, the
5 amount specified under this subpara-
6 graph for the previous year, increased
7 by the percentage change in the con-
8 sumer price index for all urban con-
9 sumers during such previous year;

10 “(iii) for types of eyeglass lenses, and
11 for types of contact lenses, as determined
12 appropriate by the Secretary;

13 “(iv) if furnished pursuant to a writ-
14 ten order of a physician described in sec-
15 tion 1861(kkk); and

16 “(v) if during the 1-year period de-
17 scribed in clause (i), the individual did not
18 already receive (as described in subpara-
19 graph (B)) one pair of conventional eye-
20 glasses or contact lenses subsequent to a
21 cataract surgery with insertion of an intra-
22 ocular lens furnished during such period.

23 “(B) EXCEPTION.—With respect to a 1-
24 year period described in subparagraph (A)(i), in
25 the case of an individual who receives cataract

1 surgery with insertion of an intraocular lens,
2 notwithstanding subparagraph (A), payment
3 may be made under this part for one pair of
4 conventional eyeglasses or contact lenses fur-
5 nished subsequent to such cataract surgery dur-
6 ing such period.”.

7 (2) APPLICATION OF COMPETITIVE ACQUISI-
8 TION.—

9 (A) IN GENERAL.—Section 1834(h)(1)(H)
10 of the Social Security Act (42 U.S.C.
11 1395m(h)(1)(H)) is amended—

12 (i) in the header by inserting “, EYE-
13 GLASSES, AND CONTACT LENSES” after
14 “ORTHOTICS”;

15 (ii) by inserting “and of eyeglasses
16 and contact lenses described in paragraph
17 (2)(D) of such section,” after “2009,”;
18 and

19 (iii) in clause (i), by inserting “or
20 such eyeglasses and contact lenses” after
21 “orthotics”.

22 (B) CONFORMING AMENDMENT.—

23 (i) IN GENERAL.—Section 1847(a)(2)
24 of the Social Security Act (42 U.S.C.

1 1395w-3(a)(2)) is amended by adding at
2 the end the following new subparagraph:

3 “(D) EYEGLASSES AND CONTACT
4 LENSES.—Eyeglasses and contact lenses for
5 which payment would otherwise be made under
6 section 1834(h).”.

7 (ii) EXEMPTION OF CERTAIN ITEMS
8 FROM COMPETITIVE ACQUISITION.—Sec-
9 tion 1847(a)(7) of the Social Security Act
10 (42 U.S.C. 1395w-3(a)(7)) is amended by
11 adding at the end the following new sub-
12 paragraph:

13 “(C) CERTAIN EYEGLASSES AND CONTACT
14 LENSES.—Those items and services described in
15 paragraph (2)(D) if furnished by a physician or
16 other practitioner (as defined by the Secretary)
17 to the physician’s or practitioner’s own patients
18 as part of the physician’s or practitioner’s pro-
19 fessional service.”.

20 (g) EXCLUSION MODIFICATIONS.—Section
21 1862(a)(1) of the Social Security Act (42 U.S.C.
22 1395y(a)) is amended—

23 (1) in subparagraph (O), by striking “and” at
24 the end;

1 (2) in subparagraph (P), by striking the semi-
2 colon at the end and inserting “, and”; and

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

5 “(Q) in the case of vision services (as defined
6 in section 1861(III)) that are routine eye examina-
7 tions and contact lens fitting services (as described
8 in paragraph (1) or (2), respectively, of such sec-
9 tion), which are furnished more frequently than once
10 during a 1-year period;”.

11 (h) REPEAL OF GROUND FOR EXCLUSION.—Section
12 1862(a)(7) of the Social Security Act (42 U.S.C.
13 1395y(a)(7)) is amended by striking “, eyeglasses (other
14 than eyewear described in section 1861(s)(8)) or eye ex-
15 aminations for the purpose of prescribing, fitting, or
16 changing eyeglasses, procedures performed (during the
17 course of any eye examination) to determine the refractive
18 state of the eyes”.

19 (i) LOW VISION AIDS.—Not later than one year after
20 the date of the enactment of this Act, the Secretary of
21 Health and Human Services shall, in consultation with rel-
22 evant stakeholders—

23 (1) undergo a review and analysis of clinically
24 indicated magnifiers, spectacles, and other similar

1 vision enhancement devices used to assist individuals
2 with low vision and visual impairments;

3 (2) based on such review identify such specific
4 devices that are not, but which pursuant to adminis-
5 trative action could be, covered under the Medicare
6 program under title XVIII of the Social Security Act
7 coverage; and

8 (3) take such administrative actions as are nec-
9 essary to provide for such coverage of such devices
10 so identified as the Secretary determines appro-
11 priate.

12 **SEC. 3. IMPLEMENTATION FUNDING.**

13 The Secretary of Health and Human Services shall
14 provide for the transfer from the Federal Supplementary
15 Medical Insurance Trust Fund under section 1841 of the
16 Social Security Act (42 U.S.C. 1395t) to the Centers for
17 Medicare & Medicaid Services Program Management Ac-
18 count for the period of 2022 through 2026 of such sums
19 as may be necessary for purposes of implementing the
20 amendments made by section 2.

○