

115TH CONGRESS
2D SESSION

H. R. 5080

To amend title XVIII to provide for coverage under the Medicare program of opioid treatment program services.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2018

Mr. HOLDING 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 to provide for coverage under the Medicare program of opioid treatment program services.

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 “Comprehensive Opioid
5 Management and Bundled Addiction Treatment Act of
6 2018” or the “COMBAT Act of 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 treatment program services
12 (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 (42 U.S.C. 1395x) is
16 amended by adding at the end the following new sub-
17 section:

18 “(jjj) OPIOID TREATMENT PROGRAM SERVICES;
19 OPIOID TREATMENT PROGRAM.—

20 “(1) OPIOID TREATMENT PROGRAM SERV-
21 ICES.—

22 “(A) IN GENERAL.—The term ‘opioid
23 treatment program services’ means items and
24 services described in subparagraph (B) that are
25 furnished as part of medication-assisted treat-
26 ment for the treatment of opioid use disorder at

1 an opioid treatment program enrolled under
2 section 1866(j).

3 “(B) ITEMS AND SERVICES DESCRIBED.—

4 For purposes of subparagraph (A), the items
5 and services described in this subparagraph,
6 with respect to an individual and episode of
7 care, are the following:

8 “(i) Initial intake and assessment.

9 “(ii) Integrated and ongoing psycho-
10 social and medical treatment for opioid use
11 disorder.

12 “(iii) Additional services, including
13 urinalysis; medication administration, dis-
14 pensing, and monitoring; and screening.

15 “(iv) One of the following products
16 (or such other products approved after the
17 date of the enactment of this subsection by
18 the Food and Drug Administration for the
19 purpose of maintenance or detoxification
20 treatment), as determined appropriate for
21 the individual by an appropriately licensed
22 clinician for the treatment of such indi-
23 vidual:

24 “(I) Methadone products.

25 “(II) Buprenorphine products.

1 “(III) Naltrexone products.

2 “(2) OPIOID TREATMENT PROGRAM.—The term
3 ‘opioid treatment program’ means an opioid treat-
4 ment program (as defined in section 8.2 of title 42
5 of the Code of Federal Regulations, or any successor
6 regulation) that—

7 “(A) has in effect an opioid treatment pro-
8 gram certification (as defined in such section);

9 “(B) has in effect a certification by the
10 Substance Abuse and Mental Health Services
11 Administration for such a program; and

12 “(C) is accredited by an accrediting body
13 approved by the Substance Abuse and Mental
14 Health Services Administration.

15 “(3) MEDICATION-ASSISTED TREATMENT.—The
16 term ‘medication-assisted treatment’ means the use
17 of medications, in combination with counseling, be-
18 havioral therapies, and toxicology testing, to provide
19 a comprehensive approach to the treatment of sub-
20 stance use disorders.”.

21 (c) PAYMENT.—

22 (1) IN GENERAL.—Section 1833(a)(1) of the
23 Social Security Act (42 U.S.C. 1395l(a)(1)) is
24 amended—

1 (A) by striking “and (BB)” and inserting
2 “(BB)”; and

3 (B) by inserting before the semicolon at
4 the end the following “, and (CC) with respect
5 to opioid treatment program services furnished
6 during an episode of care, the amount paid
7 shall be equal to the amount payable in accord-
8 ance with section 1834(v)”.

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

13 “(v) OPIOID TREATMENT PROGRAM SERVICES.—

14 “(1) IN GENERAL.—The Secretary shall pay
15 under this part to an opioid treatment program (as
16 defined in paragraph (2) of section 1861(jjj)) an
17 amount equal to 120 percent of the bundled pay-
18 ment amount under a subparagraph of paragraph
19 (2) for opioid treatment program services (as de-
20 fined in paragraph (1) of such section 1861(jjj)) de-
21 scribed in such subparagraph that are furnished
22 during the episode of care (beginning not later than
23 January 1, 2019) applicable to such services de-
24 scribed in such subparagraph, to an individual by a
25 physician or other practitioner at such program.

1 Such a bundled payment shall be in lieu of any pay-
2 ment that would otherwise be made under this part
3 to such physician or practitioner for furnishing such
4 services.

5 “(2) PAYMENT AMOUNTS AND EPISODE OF
6 CARE BASED ON MEDICATION INVOLVED.—Subject
7 to paragraph (3):

8 “(A) MEDICATION-ASSISTED TREATMENT
9 BUNDLES INCLUDING METHADONE.—In the
10 case of opioid treatment program services that
11 include methadone, the bundled payment
12 amount under this subparagraph is the pay-
13 ment amount applied for HCPCS code H0020
14 and shall be for an episode of care, the duration
15 of which is a week.

16 “(B) MEDICATION-ASSISTED TREATMENT
17 BUNDLES INCLUDING BUPRENORPHINE.—In
18 the case of opioid treatment program services
19 that include buprenorphine—

20 “(i) the bundled payment amount
21 under this subparagraph shall be the
22 amount equal to the sum of—

23 “(I) with respect to services fur-
24 nished as part of such bundle, the

1 payment amount applied for HCPCS
2 code H0047; and

3 “(II) with respect to buprenor-
4 phine administered or dispensed as
5 part of such bundle, the payment
6 amount applied for HCPCS code
7 J0571, J0572, or J0573, determined
8 at an amount equal to 95 percent of
9 the average wholesale price of the
10 drug;

11 “(ii) such bundled payment amount—

12 “(I) shall be for an episode of
13 care, the duration of which is a week;
14 and

15 “(II) shall include payment for
16 buprenorphine administered during
17 such episode of care only if the medi-
18 cation is dispensed or administered by
19 the opioid treatment program in-
20 volved; and

21 “(iii) any claim for payment for such
22 services, with respect to such a episode of
23 care, under this subsection shall include
24 the National Drug Code for Buprenor-
25 phine, dosage, and acquisition costs.

“(C) MEDICATION-ASSISTED TREATMENT BUNDLES INCLUDING NALTREXONE.—In the case of opioid treatment program services that include naltrexone—

“(i) the bundled payment amount under this subparagraph shall be the amount equal to the sum of—

“(I) with respect to services furnished as part of such bundle, the payment amount applied for HCPCS code H0047;

“(II) with respect to the administration of naltrexone as part of such bundle, the payment amount applied for CPT code 96372; and

“(III) with respect to naltrexone administered as part of such bundle, the payment amount applied for HCPCS code J2315 for the amount of milligrams used; and

“(ii) such bundled amount shall be for an episode of care, the duration of which is a month.

In carrying out this paragraph, any reference to a HCPCS code or CPT code shall be treated as

1 including a reference to a successor code to the
2 HCPCS code or CPT code, as determined by
3 the Secretary pursuant to rulemaking.

4 “(3) LIMITATION.—In no case shall the amount
5 determined under a subparagraph of paragraph (2),
6 with respect to opioid treatment services described in
7 a subparagraph of paragraph (2) during an episode
8 of care described in such subparagraph furnished in
9 a count be less than the greater of—

10 “(A) the rate of payment for comparable
11 services that are paid under State plans under
12 title XIX to opioid treatment programs in such
13 county; or

14 “(B) the rate of payment under the
15 TRICARE program under chapter 55 of title
16 10, United States Code, for comparable services
17 paid to opioid treatment programs in such
18 county.”.

19 (d) INCLUDING OPIOID TREATMENT PROGRAMS AS
20 MEDICARE PROVIDERS.—Section 1866(e) of the Social
21 Security Act (42 U.S.C. 1395cc(e)) is amended—

22 (1) in paragraph (2), by striking at the end
23 “and”;

24 (2) in paragraph (3), by striking the period at
25 the end and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(3) opioid treatment programs (as defined in
4 paragraph (2) of section 1861(jjj)), but only with re-
5 spect to the furnishing of opioid treatment program
6 services (as defined in paragraph (1) of such sec-
7 tion).”.

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