

Union Calendar No. 586

115TH CONGRESS
2^D SESSION

H. R. 5809

[Report No. 115–753, Part I]

To amend title XVIII of the Social Security Act to encourage the use of non-opioid analgesics for the management of post-surgical pain under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Mr. PETERS (for himself and Mr. BUCSHON) 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

JUNE 13, 2018

Additional sponsors: Ms. ESHOO, Mrs. BLACKBURN, and Mr. WALDEN

JUNE 13, 2018

Reported from the Committee on Energy and Commerce

JUNE 13, 2018

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

A BILL

To amend title XVIII of the Social Security Act to encourage the use of non-opioid analgesics for the management of post-surgical pain under the Medicare program, and for other purposes.

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 “Postoperative Opioid
 5 Prevention Act of 2018”.

6 **SEC. 2. MEDICARE INCENTIVES FOR USE OF NON-OPIOID**
 7 **ANALGESICS IN HOSPITAL OUTPATIENT DE-**
 8 **PARTMENTS AND AMBULATORY SURGICAL**
 9 **CENTERS.**

10 Section 1833(t)(6) of the Social Security Act (42
 11 U.S.C. 1395l(t)(6)) is amended—

12 (1) in subparagraph (C)(i), by inserting “or, in
 13 the case of an eligible non-opioid analgesic (as de-
 14 fined in subparagraph (J)), during a period of 5
 15 years,” after “3 years,”; and

16 (2) by adding at the end the following new sub-
 17 paragraph:

18 “(J) ELIGIBLE NON-OPIOID ANALGESIC
 19 DEFINED.—In this paragraph, the term ‘eligible
 20 non-opioid analgesic’ means a drug or biologi-
 21 cal—

22 “(i) that is an analgesic that is not an
 23 opioid;

24 “(ii) that demonstrated substantial
 25 clinical improvement; and

1 “(iii) for which payment—

2 “(I) as an outpatient hospital
3 service under this part was not being
4 made as of the date of the enactment
5 of this subparagraph; or

6 “(II) was being made under this
7 paragraph as of such date.”.

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