

115TH CONGRESS
2D SESSION

S. 2875

To amend title XVIII of the Social Security Act to provide for Medicare coverage of certain services furnished by opioid treatment programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2018

Mr. CASSIDY (for himself, Mr. NELSON, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide for Medicare coverage of certain services furnished by opioid treatment programs, 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 “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 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 are furnished by
 22 an opioid treatment program for the treatment of
 23 opioid abuse disorder, including—

24 “(A) opioid agonist treatment medications
 25 (including oral versions) that are approved by
 26 the Food and Drug Administration under sec-

1 tion 505 of the Federal Food, Drug, and Cos-
 2 metic Act for use in the treatment of opioid use
 3 disorder;

4 “(B) dispensing and administration of
 5 such medications, if applicable;

6 “(C) substance abuse counseling by a pro-
 7 fessional to the extent authorized under State
 8 law to furnish such services;

9 “(D) behavioral individual and group ther-
 10 apy with physicians or psychologists (or other
 11 mental health professionals to the extent au-
 12 thorized under State law);

13 “(E) toxicology testing, and

14 “(F) other items and services that the Sec-
 15 retary determines are appropriate.

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

21 “(A) is enrolled under section 1866(j);

22 “(B) has in effect a certification by the
 23 Substance Abuse and Mental Health Services
 24 Administration for such a program;

1 “(C) is accredited by an accrediting body
 2 approved by the Substance Abuse and Mental
 3 Health Services Administration; and

4 “(D) meets such additional conditions as
 5 the Secretary may find necessary to ensure—

6 “(i) the health and safety of individ-
 7 uals being furnished services under such
 8 program; and

9 “(ii) the effective and efficient fur-
 10 nishing of such services.”.

11 (c) PAYMENT.—

12 (1) IN GENERAL.—Section 1833(a)(1) of the
 13 Social Security Act (42 U.S.C. 1395l(a)(1)) is
 14 amended—

15 (A) by striking “and (BB)” and inserting
 16 “(BB)”; and

17 (B) by inserting before the semicolon at
 18 the end the following “, and (CC) with respect
 19 to opioid use disorder treatment services fur-
 20 nished during an episode of care, the amount
 21 paid shall be equal to the amount payable in ac-
 22 cordance with section 1834(w) less any copay-
 23 ment required as specified by the Secretary”.

24 (2) PAYMENT DETERMINATION.—Section 1834
 25 of the Social Security Act (42 U.S.C. 1395m) is

1 amended by adding at the end the following new
2 subsection:

3 “(w) OPIOID USE DISORDER TREATMENT SERV-
4 ICES.—

5 “(1) IN GENERAL.—The Secretary shall pay to
6 an opioid treatment program (as defined in para-
7 graph (2) of section 1861(jjj)) an amount that is
8 equal to 100 percent of a bundled payment under
9 this part for opioid use disorder treatment services
10 (as defined in paragraph (1) of such section) that
11 are furnished by such program to an individual dur-
12 ing an episode of care (as defined by the Secretary)
13 beginning on or after January 1, 2020. The Sec-
14 retary shall ensure that no duplicative payments are
15 made under this part or part D to a physician, prac-
16 titioner, or pharmacy for items and services fur-
17 nished by an opioid treatment program.

18 “(2) CONSIDERATIONS.—The Secretary may
19 implement this subsection through one or more bun-
20 dles based on the type of medication provided (such
21 as buprenorphine, methadone, naltrexone, or a new
22 innovative drug), the frequency of services, the scope
23 of services furnished, characteristics of the individ-
24 uals furnished such services, or other factors as the
25 Secretary determines appropriate. In developing

1 such bundles, the Secretary may consider payment
 2 rates paid to opioid treatment programs for com-
 3 parable services under State plans under title XIX,
 4 under the TRICARE program under chapter 55 of
 5 title 10 of the United States Code, or by other
 6 health care payers.

7 “(3) ANNUAL UPDATES.—The Secretary shall
 8 provide an update each year to the bundled payment
 9 amounts under this subsection.”.

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

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

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

17 (3) by adding at the end the following new
 18 paragraph:

19 “(3) opioid treatment programs (as defined in
 20 paragraph (2) of section 1861(jjj)), but only with re-
 21 spect to the furnishing of opioid treatment program
 22 services (as defined in paragraph (1) of such sec-
 23 tion).”.

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