

115TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title XVIII 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”.

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

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

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

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

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

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

9 (b) OPIOID USE DISORDER TREATMENT SERVICES
10 AND OPIOID TREATMENT PROGRAM DEFINED.—Section
11 1861 of the Social Security Act is amended by adding at
12 the end the following new subsection:

13 “(jjj) OPIOID USE DISORDER TREATMENT SERV-
14 ICES; OPIOID TREATMENT PROGRAM.—

15 “(1) OPIOID USE DISORDER TREATMENT SERV-
16 ICES.—The term ‘opioid use disorder treatment serv-
17 ices’ means items and services that are furnished by
18 an opioid treatment program for the treatment of
19 opioid abuse disorder, including—

20 “(A) opioid agonist treatment medications
21 (including oral versions) that are approved by
22 the Food and Drug Administration under sec-
23 tion 505 of the Federal Food, Drug and Cos-
24 metic Act for use in the treatment of opioid use
25 disorder;

1 “(B) dispensing and administration of
2 such medications, if applicable;

3 “(C) substance abuse counseling by a pro-
4 fessional to the extent authorized under State
5 law to furnish such services;

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

10 “(E) toxicology testing, and

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

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

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

19 “(B) has in effect a certification by the
20 Substance Abuse and Mental Health Services
21 Administration for such a program;

22 “(C) is accredited by an accrediting body
23 approved by the Substance Abuse and Mental
24 Health Services Administration; and

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

3 “(i) the health and safety of individ-
4 uals being furnished services under such
5 program; and

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

8 (c) PAYMENT.—

9 (1) IN GENERAL.—Section 1833(a)(1) of the
10 Social Security Act (42 U.S.C. 1395l(a)(1)) is
11 amended—

12 (A) by striking “and (BB)” and inserting
13 “(BB)”; and

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

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

1 “(w) OPIOID USE DISORDER TREATMENT SERV-
2 ICES.—

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

16 “(2) CONSIDERATIONS.—The Secretary may
17 implement this subsection through one or more bun-
18 dles based on the type of medication provided (such
19 as buprenorphine, methadone, naltrexone, or a new
20 innovative drug), the frequency of services, the scope
21 of services furnished, characteristics of the individ-
22 uals furnished such services, or other factors as the
23 Secretary determine appropriate. In developing such
24 bundles, the Secretary may consider payment rates
25 paid to opioid treatment programs for comparable

1 services under State plans under title XIX, under
2 the TRICARE program under chapter 55 of title 10
3 of the United States Code, or by other health care
4 payers.

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

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

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

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

15 (3) by adding at the end the following new
16 paragraph:

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