

Explanation of Changes Reflected in the Chairman’s Amendment in the Nature of a Substitute to H.R. 5776, “Medicare and Opioid Safe Treatment (MOST) Act”

May 16, 2018

The Chairman’s amendment in the nature of a substitute includes the following changes to H.R. 5776 as introduced (page and line references are to H.R. 5776 as introduced):

1. Page 1, in long title: correct “ceratin” to “certain”
2. Page 1, line 5: insert “of 2018” after “Act” in both cases
3. Page 2, line 23: strike “abuse” and insert “use”
4. Page 2, lines 24-25: After “agonist” insert “and antagonist”; after “oral” insert “, injected, or implanted”
5. Page 3, line 9: strike “behavioral”
6. Page 3, line 10: insert “a” before “physician” and then strike “physicians and psychologists” and insert “physician and psychologist”.
7. Page 3, line 11: strike “professionals” and insert “professional”
8. Page 3, line 15: after “appropriate” insert “(other than meals or transportation).”
9. Page 3, line 17: after “means” insert “an entity that is”
10. Page 4, line 21-22: strike “in accordance with” and insert “under”
11. Page 5, line 14: after “ensure” insert “as determined appropriate by the Secretary”
12. Page 5, line 15: strike “to a physician, practitioner, or pharmacy”
13. Page 6, lines 5-6: strike “, or by other health care payers”
14. Page 6, line 13: strike “(2)” and insert “(1)”
15. Page 6, line 15: strike “(3)” and insert “(2)”
16. Page 6, line 21: strike “program” then before “treatment” insert “use disorder”
17. Page 7, line 1: strike “2” and insert “3”
18. Page 9, line 23: strike (b) and insert “(b) AMBULATORY SURGICAL CENTERS.—Section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended by adding at the end the following new paragraph: (8) The Secretary shall conduct a similar type of review as required under paragraph (22) of section 1833(t), including the second sentence of subparagraph (C) of such paragraph, to payment for services under this subsection and make such revisions under this paragraph in an appropriate manner (as determined by the Secretary).”
19. Page 10, line 9: strike “3” and insert “4”
20. Page 10, line 17: strike (3) and insert 17 “(3) ADDITIONAL PAYMENTS FOR CERTAIN FQHCS WITH PHYSICIANS OR PRACTITIONERS RECEIVING DATA 2000 WAIVERS.—“(A) IN GENERAL.—In the case of a Federally qualified health center with respect to which, beginning on or after January 1, 2019, Federally-qualified health center services (as defined in section 1861(aa)(3)) for the treatment of opioid use disorder are furnished by a physician or practitioner who meets all the requirements described in subparagraph (C), the Secretary shall, subject to availability of funds under subparagraph (D), make a payment (at such time and in such manner as specified by the Secretary) to such Federally qualified health center after receiving and approving an application described in subparagraph (B).

Such a payment shall be in an amount determined by the Secretary based on an estimate of the average costs of training for purposes of receiving a waiver described in subparagraph (C)(ii). Such a payment may be made only one time with respect to each physician or practitioner described in subparagraph (A).

“(B) APPLICATION.—In order to receive a payment described in subparagraph (A), a Federally-qualified health center shall apply for such a payment at such time, in such manner, and with such information as specified by the Secretary. A Federally qualified health center may apply for such a payment for each physician or practitioner described in subparagraph (A) furnishing the services described in such subparagraph at such center.

“(C) PHYSICIAN AND PRACTITIONER REQUIREMENTS.—For purposes of subparagraph (A), the requirements described in this subparagraph are the following:

“(i) With respect to a Federally qualified health center described in subparagraph (A) and making an application under subparagraph (B), is employed by or working under contract with such center. “(ii) First receives on or after January 1, 2019 a waiver under section 303(g)(2) of the Controlled Substances Act.

21. Page 13, line 14: strike “4” and insert “5”
22. Page 16, line 3: strike “5” and insert “6”
23. Page 17, line 17: strike “6” and insert “7”
24. Page 20, line 10: strike “(6)” and insert “(5)”
25. Page 20, line 17: strike “biofeedback therapy”