

1 (b) DENTAL AND ORAL HEALTH SERVICES DE-
2 FINED.—Section 1861 of the Social Security Act (42
3 U.S.C. 1395x) is amended by adding at the end the fol-
4 lowing new subsection:

5 “(III) DENTAL AND ORAL HEALTH SERVICES.—

6 “(1) IN GENERAL.—The term ‘dental and oral
7 health services’ means items and services (other
8 than such items and services for which payment may
9 be made under part A as inpatient hospital services)
10 that are furnished during 2028 or a subsequent
11 year, for which coverage was not provided under
12 part B as of the date of the enactment of this sub-
13 section, and that are—

14 “(A) the preventive and screening services
15 described in paragraph (2) furnished by a doc-
16 tor of dental surgery or of dental medicine (as
17 described in subsection (r)(2)) or an oral health
18 professional (as defined in paragraph (4)); or

19 “(B) the basic treatments specified for
20 such year by the Secretary pursuant to para-
21 graph (3)(A) and the major treatments speci-
22 fied for such year by the Secretary pursuant to
23 paragraph (3)(B) furnished by such a doctor or
24 such a professional.

1 “(2) PREVENTIVE AND SCREENING SERV-
2 ICES.—The preventive and screening services de-
3 scribed in this paragraph are the following:

4 “(A) Oral exams.

5 “(B) Dental cleanings.

6 “(C) Dental x-rays performed in the office
7 of a doctor or professional described in para-
8 graph (1)(A).

9 “(D) Fluoride treatments.

10 “(3) BASIC AND MAJOR TREATMENTS.—For
11 2028 and each subsequent year, the Secretary shall
12 specify—

13 “(A) basic treatments (which may include
14 basic tooth restorations, basic periodontal serv-
15 ices, tooth extractions, and oral disease man-
16 agement services); and

17 “(B) major treatments (which may include
18 major tooth restorations, major periodontal
19 services, bridges, crowns, and root canals);
20 that shall be included as dental and oral health serv-
21 ices for such year.

22 “(4) ORAL HEALTH PROFESSIONAL.—The term
23 ‘oral health professional’ means, with respect to den-
24 tal and oral health services, a health professional
25 (other than a doctor of dental surgery or of dental

1 medicine (as described in subsection (r)(2))) who is
2 licensed to furnish such services, acting within the
3 scope of such license, by the State in which such
4 services are furnished.”.

5 (c) PAYMENT; COINSURANCE; AND LIMITATIONS.—

6 (1) IN GENERAL.—Section 1833(a)(1) of the
7 Social Security Act (42 U.S.C. 1395l(a)(1)), as
8 amended by section 30511(b), is further amended—

9 (A) in subparagraph (N), by inserting
10 “and dental and oral health services (as defined
11 in section 1861(III))” after “section
12 1861(hhh)(1)”;

13 (B) by striking “and” before “(EE)”; and

14 (C) by inserting before the semicolon at
15 the end the following: “and (FF) with respect
16 to dental and oral health services (as defined in
17 section 1861(III)), the amount paid shall be the
18 payment amount specified under section
19 1834(z)”.

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

24 “(z) PAYMENT AND LIMITS FOR DENTAL AND ORAL
25 HEALTH SERVICES.—

1 “(1) IN GENERAL.—The payment amount
2 under this part for dental and oral health services
3 (as defined in section 1861(l)) shall be, subject to
4 paragraph (3), the applicable percent (specified in
5 paragraph (2)) of the lesser of—

6 “(A) the actual charge for the service; or

7 “(B) the amount determined under the
8 payment basis determined under section 1848
9 for the service, or, in lieu of such amount, if de-
10 termined appropriate by the Secretary, an
11 amount specified by the Secretary for such
12 service under a fee schedule determined appro-
13 priate by the Secretary, taking into account fee
14 schedules for such services—

15 “(i) under the TRICARE program
16 under chapter 55 of title 10 of the United
17 States Code;

18 “(ii) under the health insurance pro-
19 gram under chapter 89 of title 5 of such
20 Code;

21 “(iii) under State plans (or waivers of
22 such plans) under title XIX;

23 “(iv) under Medicare Advantage plans
24 under part C;

1 “(v) established by the Secretary of
2 Veterans Affairs; and

3 “(vi) established by other health care
4 payers.

5 “(2) APPLICABLE PERCENT.—For purposes of
6 paragraph (1), the applicable percent specified in
7 this paragraph is, with respect to dental and oral
8 health services (as defined in section 1861(l)) fur-
9 nished in a year—

10 “(A) that are preventive and screening
11 services described in paragraph (2) or basic
12 treatments specified for such year pursuant to
13 paragraph (3)(A) of such section, 80 percent;
14 and

15 “(B) that are major treatments specified
16 for such year pursuant to paragraph (3)(B) of
17 such section—

18 “(i) in the case such services are fur-
19 nished during 2028, 10 percent;

20 “(ii) in the case such services are fur-
21 nished during 2029 or a subsequent year
22 before 2032, the applicable percent speci-
23 fied under this subparagraph for the pre-
24 vious year, increased by 10 percentage
25 points; and

1 “(iii) in the case such services are fur-
2 nished during 2032 or a subsequent year,
3 50 percent.

4 “(3) LIMITATIONS.—With respect to dental and
5 oral health services that are—

6 “(A) preventive and screening oral exams,
7 payment may be made under this part for not
8 more than two such exams during a 12-month
9 period;

10 “(B) dental cleanings, payment may be
11 made under this part for not more than two
12 such cleanings during a 12-month period; and

13 “(C) not described in subparagraph (A) or
14 (B), payment may be made under this part only
15 at such frequencies and under such cir-
16 cumstances determined appropriate by the Sec-
17 retary.

18 “(4) USE OF BUNDLED PAYMENTS.—The Sec-
19 retary may make payment for dentures and associ-
20 ated professional services, and for any other dental
21 and oral health services, as bundled payments as the
22 Secretary determines appropriate.

23 “(5) LIMITATION ON JUDICIAL REVIEW.—There
24 shall be no administrative or judicial review under
25 section 1869 or otherwise of—

1 dental surgery or of dental medicine
2 (as described in section 1861(r)(2)) or
3 is an oral health professional (as de-
4 fined in section 1861(lll)(4)).”.

5 (3) INCLUSION OF ORAL HEALTH PROFES-
6 SIONALS AS CERTAIN PRACTITIONERS.—Section
7 1842(b)(18)(C) of the Social Security Act (42
8 U.S.C. 1395u(b)(18)(C)) is amended by adding at
9 the end the following new clause:

10 “(vii) With respect to 2028 and each subse-
11 quent year, an oral health professional (as defined in
12 section 1861(lll)(4)).”.

13 (e) DENTURES.—

14 (1) IN GENERAL.—Section 1861(s)(8) of the
15 Social Security Act (42 U.S.C. 1395x(s)(8)) is
16 amended—

17 (A) by striking “(other than dental)”; and

18 (B) by inserting “and excluding dental, ex-
19 cept for a full or partial set of dentures (as de-
20 scribed in section 1834(h)(6)) furnished on or
21 after January 1, 2028” after “colostomy care”.

22 (2) SPECIAL PAYMENT RULES.—

23 (A) LIMITATIONS.—Section 1834(h) of the
24 Social Security Act (42 U.S.C. 1395m(h)) is

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

3 “(6) SPECIAL PAYMENT RULE FOR DEN-
4 TURES.—Payment may be made under this part
5 with respect to an individual for dentures—

6 “(A) not more than once during any 5-year
7 period (except in the case that a doctor de-
8 scribed in section 1861(III)(1)(A) determines
9 such dentures do not fit the individual); and

10 “(B) only to the extent that such dentures
11 are furnished pursuant to a written order of
12 such a doctor or professional.”.

13 (B) APPLICATION OF COMPETITIVE ACQUI-
14 SITION.—

15 (i) IN GENERAL.—Section
16 1834(h)(1)(H) of the Social Security Act
17 (42 U.S.C. 1395m(h)(1)(H)) is amended—

18 (I) in the subparagraph heading,
19 by inserting “, DENTURES” after
20 “ORTHOTICS”;

21 (II) by inserting “, of dentures
22 described in paragraph (2)(D) of such
23 section,” after “2011,”; and

24 (III) in clause (i), by inserting “,
25 such dentures” after “orthotics”.

1 (ii) CONFORMING AMENDMENT.—Sec-
2 tion 1847(a)(2) of the Social Security Act
3 (42 U.S.C. 1395w-3(a)(2)) is amended by
4 adding at the end the following new sub-
5 paragraph:

6 “(D) DENTURES.—Dentures described in
7 section 1861(s)(8) for which payment would
8 otherwise be made under section 1834(h).”.

9 (iii) EXEMPTION OF CERTAIN ITEMS
10 FROM COMPETITIVE ACQUISITION.—Sec-
11 tion 1847(a)(7) of the Social Security Act
12 (42 U.S.C. 1395w-3(a)(7)) is amended by
13 adding at the end the following new sub-
14 paragraph:

15 “(C) CERTAIN DENTURES.—Those items
16 and services described in paragraph (2)(D) if
17 furnished by a physician or other practitioner
18 (as defined by the Secretary) to the physician’s
19 or practitioner’s own patients as part of the
20 physician’s or practitioner’s professional serv-
21 ice.”.

22 (f) EXCLUSION MODIFICATIONS.—Section 1862(a) of
23 the Social Security Act (42 U.S.C. 1395y(a)) is amend-
24 ed—

25 (1) in paragraph (1)—

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

3 (B) in subparagraph (P), by striking the
4 semicolon at the end and inserting “, and”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(Q) in the case of dental and oral health serv-
8 ices (as defined in section 1861(III)) that are preven-
9 tive and screening services described in paragraph
10 (2) of such section, which are furnished more fre-
11 quently than provided under section 1834(z)(3) or
12 under circumstances other than circumstances deter-
13 mined appropriate under subparagraph (C) of such
14 section;”; and

15 (2) in paragraph (12), by inserting before the
16 semicolon at the end the following: “and except that
17 payment may be made under part B for dental and
18 oral health services that are covered under section
19 1861(s)(2)(II) and for dentures under section
20 1861(s)(8)”.

21 (g) CERTAIN NON-APPLICATION.—

22 (1) IN GENERAL.—Paragraphs (1) and (4) of
23 section 1839(a) of the Social Security Act (42
24 U.S.C. 1395r(a)) are amended by adding at the end
25 of each such paragraphs the following: “In applying

1 this paragraph there shall not be taken into account
2 benefits and administrative costs attributable to the
3 amendments made by section 30901 (other than
4 subsection (g)) of the Act titled ‘An Act to provide
5 for reconciliation pursuant to title II of S. Con. Res.
6 14’ and the Government contribution under section
7 1844(a)(5)’.

8 (2) PAYMENT.—Section 1844(a) of such Act
9 (42 U.S.C. 1395w(a)) is amended—

10 (A) in paragraph (4), by striking the pe-
11 riod at the end and inserting “; plus”;

12 (B) by adding at the end the following new
13 paragraph:

14 “(5) a Government contribution equal to the
15 amount that is estimated to be payable for benefits
16 and related administrative costs incurred that are
17 attributable to the amendments made by section
18 30901 (other than subsection (g)) of the Act titled
19 ‘An Act to provide for reconciliation pursuant to
20 title II of S. Con. Res. 14’ .”; and

21 (C) in the flush matter at the end, by
22 striking “paragraph (4)” and inserting “para-
23 graphs (4) and (5)”.

24 (h) IMPLEMENTATION.—

25 (1) FUNDING.—

1 (A) IN GENERAL.—In addition to amounts
2 otherwise available, the Secretary of Health and
3 Human Services (in this subsection referred to
4 as the “Secretary”) shall provide for the trans-
5 fer from the Federal Supplementary Medical
6 Insurance Trust Fund under section 1841 of
7 the Social Security Act (42 U.S.C. 1395t) to
8 the Centers for Medicare & Medicaid Services
9 Program Management Account of—

10 (i) \$20,000,000 for each of fiscal
11 years 2022 through 2028 for purposes of
12 implementing the amendments made by
13 this section; and

14 (ii) such sums as determined appro-
15 priate by the Secretary for each subse-
16 quent fiscal year for purposes of admin-
17 istering the provisions of such amend-
18 ments.

19 (B) AVAILABILITY AND ADDITIONAL USE
20 OF FUNDS.—Funds transferred pursuant to
21 subparagraph (A) shall remain available until
22 expended and may be used, in addition to the
23 purpose specified in subparagraph (A)(i), to im-
24 plement the amendments made by sections
25 30902 and 30903.

1 (2) ADMINISTRATION.—The Secretary may im-
2 plement, by program instruction or otherwise, any of
3 the provisions of, or amendments made by, this sec-
4 tion.

5 (3) PAPERWORK REDUCTION ACT.—Chapter 35
6 of title 44, United States Code, shall not apply to
7 the provisions of, or the amendments made by, this
8 section.

9 **SEC. 30902. PROVIDING COVERAGE FOR HEARING CARE**
10 **UNDER THE MEDICARE PROGRAM.**

11 (a) PROVISION OF AURAL REHABILITATION AND
12 TREATMENT SERVICES BY QUALIFIED AUDIOLOGISTS.—
13 Section 1861(l)(3) of the Social Security Act (42 U.S.C.
14 1395x(l)(3)) is amended by inserting “(and, beginning
15 October 1, 2023, such aural rehabilitation and treatment
16 services)” after “assessment services”.

17 (b) COVERAGE OF HEARING AIDS.—

18 (1) INCLUSION OF HEARING AIDS AS PROS-
19 THETIC DEVICES.—Section 1861(s)(8) of the Social
20 Security Act (42 U.S.C. 1395x(s)(8)) is amended by
21 inserting “, and including hearing aids (as described
22 in section 1834(h)(7)) furnished on or after October
23 1, 2023, to individuals diagnosed with profound or
24 severe hearing loss” before the semicolon at the end.

1 (2) PAYMENT LIMITATIONS FOR HEARING
2 AIDS.—Section 1834(h) of the Social Security Act
3 (42 U.S.C. 1395m(h)), as amended by section
4 30901(e)(2)(A), is further amended by adding at the
5 end the following new paragraph:

6 “(7) LIMITATIONS FOR HEARING AIDS.—

7 “(A) IN GENERAL.—Payment may be
8 made under this part with respect to an indi-
9 vidual, with respect to hearing aids furnished
10 on or after October 1, 2023—

11 “(i) not more than once during a 5-
12 year period;

13 “(ii) only for types of such hearing
14 aids that are not over-the-counter hearing
15 aids (as defined in section 520(q)(1) of the
16 Federal Food, Drug, and Cosmetic Act)
17 and that are determined appropriate by
18 the Secretary; and

19 “(iii) only if furnished pursuant to a
20 written order of a physician or qualified
21 audiologist (as defined in section
22 1861(ll)(4)(B)).

23 “(B) LIMITATION ON JUDICIAL REVIEW.—

24 There shall be no administrative or judicial re-
25 view under section 1869 or otherwise of—

1 “(i) the determination of the types of
2 hearing aids paid for under subparagraph
3 (A)(ii); or

4 “(ii) the determination of fee schedule
5 rates for hearing aids described in this
6 paragraph.”.

7 (3) APPLICATION OF COMPETITIVE ACQUISITION.—
8

9 (A) IN GENERAL.—Section 1834(h)(1)(H)
10 of the Social Security Act (42 U.S.C.
11 1395m(h)(1)(H)), as amended by section
12 30901(e)(2)(B)(i), is further amended—

13 (i) in the header, by inserting “,
14 HEARING AIDS” after “DENTURES”;

15 (ii) by inserting “, of hearing aids de-
16 scribed in paragraph (2)(E) of such sec-
17 tion,” after “paragraph (2)(D) of such sec-
18 tion”; and

19 (iii) in clause (i), by inserting “, such
20 hearing aids” after “such dentures”.

21 (B) CONFORMING AMENDMENT.—

22 (i) IN GENERAL.—Section 1847(a)(2)
23 of the Social Security Act (42 U.S.C.
24 1395w-3(a)(2)), as amended by section
25 30901(e)(2)(B)(ii), is further amended by

1 adding at the end the following new sub-
2 paragraph:

3 “(E) HEARING AIDS.—Hearing aids de-
4 scribed in section 1861(s)(8) for which payment
5 would otherwise be made under section
6 1834(h).”.

7 (ii) EXEMPTION OF CERTAIN ITEMS
8 FROM COMPETITIVE ACQUISITION.—Sec-
9 tion 1847(a)(7) of the Social Security Act
10 (42 U.S.C. 1395w-3(a)(7)), as amended
11 by section 30901(e)(2)(B)(iii), is further
12 amended by adding at the end the fol-
13 lowing new subparagraph:

14 “(D) CERTAIN HEARING AIDS.—Those
15 items and services described in paragraph
16 (2)(E) if furnished by a physician or other
17 practitioner (as defined by the Secretary) to the
18 physician’s or practitioner’s own patients as
19 part of the physician’s or practitioner’s profes-
20 sional service.”.

21 (4) INCLUSION OF AUDIOLOGISTS AS CERTAIN
22 PRACTITIONERS TO RECEIVE PAYMENT ON AN AS-
23 SIGNMENT-RELATED BASIS.—Section
24 1842(b)(18)(C) of the Social Security Act (42
25 U.S.C. 1395u(b)(18)(C)), as amended by section

1 30901(d)(4), is further amended by adding at the
2 end the following new clause:

3 “(viii) Beginning October 1, 2023, a
4 qualified audiologist (as defined in section
5 1861(l)(4)(B)).”.

6 (c) EXCLUSION MODIFICATION.—Section 1862(a)(7)
7 of the Social Security Act (42 U.S.C. 1395y(a)(7)) is
8 amended by inserting “(except such hearing aids or exami-
9 nations therefor as described in and otherwise allowed
10 under section 1861(s)(8))” after “hearing aids or exami-
11 nations therefor”.

12 (d) CERTAIN NON-APPLICATION.—

13 (1) IN GENERAL.—The last sentence of section
14 1839(a)(1) of the Social Security Act (42 U.S.C.
15 1395r(a)(1)), as added by section 30901(g)(1), is
16 amended by striking “section 30901 (other than
17 subsection (g))” and inserting “sections 30901
18 (other than subsection (g)), 30902 (other than sub-
19 section (d))”.

20 (2) PAYMENT.—Paragraph (4) of section
21 1844(a) of such Act (42 U.S.C. 1395w(a)), as added
22 by section 30901(g)(2), is amended by striking “sec-
23 tion 30901 (other than subsection (g))” and insert-
24 ing “sections 30901 (other than subsection (g)),
25 30902 (other than subsection (d))”.

1 (e) IMPLEMENTATION.—

2 (1) FUNDING.—

3 (A) IN GENERAL.—In addition to amounts
4 otherwise available, the Secretary of Health and
5 Human Services (in this subsection referred to
6 as the “Secretary”) shall provide for the trans-
7 fer from the Federal Supplementary Medical
8 Insurance Trust Fund under section 1841 of
9 the Social Security Act (42 U.S.C. 1395t) to
10 the Centers for Medicare & Medicaid Services
11 Program Management Account of—

12 (i) \$20,000,000 for each of fiscal
13 years 2022 through 2023 for purposes of
14 implementing the amendments made by
15 this section; and

16 (ii) such sums as determined appro-
17 priate by the Secretary for each subse-
18 quent fiscal year for purposes of admin-
19 istering the provisions of such amend-
20 ments.

21 (B) AVAILABILITY AND ADDITIONAL USE
22 OF FUNDS.—Funds transferred pursuant to
23 subparagraph (A) shall remain available until
24 expended and may be used, in addition to the
25 purpose specified in subparagraph (A)(i), to im-

1 plement the amendments made by sections
2 30901 and 30903.

3 (2) ADMINISTRATION.—The Secretary may im-
4 plement, by program instruction or otherwise, any of
5 the provisions of, or amendments made by, this sec-
6 tion.

7 (3) PAPERWORK REDUCTION ACT.—Chapter 35
8 of title 44, United States Code, shall not apply to
9 the provisions of, or the amendments made by, this
10 section.

11 **SEC. 30903. PROVIDING COVERAGE FOR VISION CARE**
12 **UNDER THE MEDICARE PROGRAM.**

13 (a) COVERAGE.—Section 1861(s)(2) of the Social Se-
14 curity Act (42 U.S.C. 1395x(s)(2)), as amended by section
15 30901(a), is further amended—

16 (1) in subparagraph (HH), by striking “and”
17 after the semicolon at the end;

18 (2) in subparagraph (II), by striking the period
19 at the end and adding “; and”; and

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(JJ) vision services (as defined in subsection
23 (mmm));”.

24 (b) VISION SERVICES DEFINED.—Section 1861 of
25 the Social Security Act (42 U.S.C. 1395x), as amended

1 by section 30901(b), is further amended by adding at the
2 end the following new subsection:

3 “(mmm) VISION SERVICES.—The term ‘vision serv-
4 ices’ means—

5 “(1) routine eye examinations to determine the
6 refractive state of the eyes, including procedures per-
7 formed during the course of such examination; and

8 “(2) contact lens fitting services;

9 furnished on or after October 1, 2022, by or under the
10 direct supervision of an ophthalmologist or optometrist
11 who is legally authorized to furnish such examinations,
12 procedures, or fitting services (as applicable) under State
13 law (or the State regulatory mechanism provided by State
14 law) of the State in which the examinations, procedures,
15 or fitting services are furnished.”.

16 (c) PAYMENT LIMITATIONS.—Section 1834 of the
17 Social Security Act (42 U.S.C. 1395m), as amended by
18 section 30901(c)(2), is further amended by adding at the
19 end the following new subsection:

20 “(aa) LIMITATION FOR VISION SERVICES.—With re-
21 spect to vision services (as defined in section 1861(mmm))
22 and an individual, payment may be made under this part
23 for only 1 routine eye examination described in paragraph
24 (1) of such section and 1 contact lens fitting service de-

1 scribed in paragraph (2) of such section during a 2-year
2 period.”.

3 (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—
4 Section 1848(j)(3) of the Social Security Act (42 U.S.C.
5 1395w-4(j)(3)), as amended by section 30901(d)(1), is
6 further amended by inserting “(2)(JJ),” before “(3)”.

7 (e) COVERAGE OF CONVENTIONAL EYEGLASSES AND
8 CONTACT LENSES.—

9 (1) IN GENERAL.—Section 1861(s)(8) of the
10 Social Security Act (42 U.S.C. 1395x(s)(8)), as
11 amended by section 30902(b)(1), is further amended
12 by striking “, and including one pair of conventional
13 eyeglasses or contact lenses furnished subsequent to
14 each cataract surgery with insertion of an intra-
15 ocular lens” and inserting “, including one pair of
16 conventional eyeglasses or contact lenses furnished
17 subsequent to each cataract surgery with insertion
18 of an intraocular lens, if furnished before October 1,
19 2022, and including conventional eyeglasses or con-
20 tact lenses (as described in section 1834(h)(8)),
21 whether or not furnished subsequent to such a sur-
22 gery, if furnished on or after October 1, 2022”.

23 (2) CONFORMING AMENDMENT.—Section
24 1842(b)(11)(A) of the Social Security Act (42
25 U.S.C. 1395u(b)(11)(A)) is amended by inserting

1 “furnished prior to October 1, 2022,” after “relating
2 to them,”.

3 (f) SPECIAL PAYMENT RULES FOR EYEGLASSES AND
4 CONTACT LENSES.—

5 (1) LIMITATIONS.—Section 1834(h) of the So-
6 cial Security Act (42 U.S.C. 1395m(h)), as amended
7 by section 30901(e)(2)(A) and section 30902(b)(2),
8 is further amended by adding at the end the fol-
9 lowing new paragraph:

10 “(8) PAYMENT LIMITATIONS FOR EYEGLASSES
11 AND CONTACT LENSES.—

12 “(A) IN GENERAL.—With respect to eye-
13 glasses and contact lenses furnished to an indi-
14 vidual on or after October 1, 2022, subject to
15 subparagraph (B), payment may be made under
16 this part only—

17 “(i) during a 2-year period, for either
18 1 pair of eyeglasses (including lenses and
19 frames) or not more than a 2-year supply
20 of contact lenses;

21 “(ii) with respect to amounts attrib-
22 utable to the lenses and frames of such a
23 pair of eyeglasses or amounts attributable
24 to such a 2-year supply of contact lenses,
25 in an amount not greater than—

1 “(I) for a pair of eyeglasses fur-
2 nished in, or a 2-year supply of con-
3 tact lenses beginning in, 2022—

4 “(aa) \$85 for the lenses of
5 such pair of eyeglasses and \$85
6 for the frames of such pair of
7 eyeglasses; or

8 “(bb) \$85 for such 2-year
9 supply of contact lenses; and

10 “(II) for the lenses and frames of
11 a pair of eyeglasses furnished in, or a
12 2-year supply of contact lenses begin-
13 ning in, a subsequent year, the dollar
14 amounts specified under this subpara-
15 graph for the previous year, increased
16 by the percentage change in the con-
17 sumer price index for all urban con-
18 sumers (United States city average)
19 for the 12-month period ending with
20 June of the previous year;

21 “(iii) if furnished pursuant to a writ-
22 ten order of an ophthalmologist or optom-
23 etrists described in subsection (mmm); and

24 “(iv) if during the 2-year period de-
25 scribed in clause (i), the individual did not

1 already receive (as described in subpara-
2 graph (B)) one pair of conventional eye-
3 glasses or contact lenses subsequent to a
4 cataract surgery with insertion of an intra-
5 ocular lens furnished during such period.

6 “(B) EXCEPTION.—With respect to a 2-
7 year period described in subparagraph (A)(i), in
8 the case of an individual who receives cataract
9 surgery with insertion of an intraocular lens,
10 notwithstanding subparagraph (A), payment
11 may be made under this part for one pair of
12 conventional eyeglasses or contact lenses fur-
13 nished subsequent to such cataract surgery dur-
14 ing such period.

15 “(C) LIMITATION ON JUDICIAL REVIEW.—
16 There shall be no administrative or judicial re-
17 view under section 1869 or otherwise of—

18 “(i) the determination of the types of
19 eyeglasses and contact lenses covered
20 under this paragraph; or

21 “(ii) the determination of fee schedule
22 rates under this subsection for eyeglasses
23 and contact lenses.”.

24 (2) APPLICATION OF COMPETITIVE ACQUISI-
25 TION.—

1 (A) IN GENERAL.—Section 1834(h)(1)(H)
2 of the Social Security Act (42 U.S.C.
3 1395m(h)(1)(H)), as amended by section
4 30901(e)(2)(B)(i) and section 30902(b)(3)(A),
5 is further amended—

6 (i) in the header by inserting “, EYE-
7 GLASSES, AND CONTACT LENSES” after
8 “HEARING AIDS”;

9 (ii) by inserting “and of eyeglasses
10 and contact lenses described in paragraph
11 (2)(F) of such section,” after “paragraph
12 (2)(E) of such section,”; and

13 (iii) in clause (i), by inserting “, or
14 such eyeglasses and contact lenses” after
15 “such hearing aids”.

16 (B) CONFORMING AMENDMENT.—

17 (i) IN GENERAL.—Section 1847(a)(2)
18 of the Social Security Act (42 U.S.C.
19 1395w–3(a)(2)), as amended by section
20 30901(e)(2)(B)(ii) and section
21 30902(b)(3)(B)(i), is further amended by
22 adding at the end the following new sub-
23 paragraph:

24 “(F) EYEGLASSES AND CONTACT
25 LENSES.—Eyeglasses and contact lenses de-

1 scribed in section 1861(s)(8) for which payment
2 would otherwise be made under section
3 1834(h).”.

4 (ii) EXEMPTION OF CERTAIN ITEMS
5 FROM COMPETITIVE ACQUISITION.—Sec-
6 tion 1847(a)(7) of the Social Security Act
7 (42 U.S.C. 1395w-3(a)(7)), as amended
8 by section 30901(e)(2)(B)(iii) and section
9 30902(b)(3)(B)(ii), is further amended by
10 adding at the end the following new sub-
11 paragraph:

12 “(E) CERTAIN EYEGLASSES AND CONTACT
13 LENSES.—Those items and services described in
14 paragraph (2)(F) if furnished by a physician or
15 other practitioner (as defined by the Secretary)
16 to the physician’s or practitioner’s own patients
17 as part of the physician’s or practitioner’s pro-
18 fessional service.”.

19 (g) EXCLUSION MODIFICATIONS.—Section 1862(a)
20 of the Social Security Act (42 U.S.C. 1395y(a)), as
21 amended by section 30901(f), is further amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (P), by striking
24 “and” at the end;

1 (B) in subparagraph (Q), by striking the
2 semicolon at the end and inserting “, and”;

3 (C) by adding at the end the following new
4 subparagraph:

5 “(R) in the case of vision services (as defined
6 in section 1861(mmm)) that are routine eye exami-
7 nations and contact lens fitting services (as de-
8 scribed in paragraph (1) or (2), respectively, of such
9 section), which are furnished more frequently than
10 once during a 2-year period;”;

11 (2) in paragraph (7)—

12 (A) by inserting “(other than such an ex-
13 amination that is a vision service that is cov-
14 ered under section 1861(s)(2)(JJ))” after “eye
15 examinations”;

16 (B) by inserting “(other than such a proce-
17 dure that is a vision service that is covered
18 under section 1861(s)(2)(JJ))” after “refractive
19 state of the eyes”.

20 (h) CERTAIN NON-APPLICATION.—

21 (1) IN GENERAL.—The last sentence of section
22 1839(a)(1) of the Social Security Act (42 U.S.C.
23 1395r(a)(1)), as added by section 30901(g)(1) and
24 amended by section 30902(d)(1), is further amended

1 by inserting “, and 30903 (other than subsection
2 (h))” after “30902 (other than subsection (d))”.

3 (2) PAYMENT.—Paragraph (4) of section
4 1844(a) of such Act (42 U.S.C. 1395w(a)), as added
5 by section 30901(g)(2) and amended by section
6 30902(d)(2), is further amended by inserting “, and
7 30903 (other than subsection (h))” after “30902
8 (other than subsection (d))”.

9 (i) IMPLEMENTATION.—

10 (1) FUNDING.—

11 (A) IN GENERAL.—In addition to amounts
12 otherwise available, the Secretary of Health and
13 Human Services (in this subsection referred to
14 as the “Secretary”) shall provide for the trans-
15 fer from the Federal Supplementary Medical
16 Insurance Trust Fund under section 1841 of
17 the Social Security Act (42 U.S.C. 1395t) to
18 the Centers for Medicare & Medicaid Services
19 Program Management Account of—

20 (i) \$20,000,000 for each of fiscal
21 years 2022 and 2023 for purposes of im-
22 plementing the amendments made by this
23 section; and

24 (ii) such sums as determined appro-
25 priate by the Secretary for each subse-

1 quent fiscal year for purposes of admin-
2 istering the provisions of such amend-
3 ments.

4 (B) AVAILABILITY AND ADDITIONAL USE
5 OF FUNDS.—Funds transferred pursuant to
6 subparagraph (A) shall remain available until
7 expended and may be used, in addition to the
8 purpose specified in subparagraph (A)(i), to im-
9 plement the amendments made by sections
10 30901 and 30902.

11 (2) ADMINISTRATION.—The Secretary may im-
12 plement, by program instruction or otherwise, any of
13 the provisions of, or amendments made by, this sec-
14 tion.

15 (3) PAPERWORK REDUCTION ACT.—Chapter 35
16 of title 44, United States Code, shall not apply to
17 the provisions of, or the amendments made by, this
18 section.

