

AMENDMENT TO H.R. 5809
OFFERED BY M

Strike section 2 and insert the following:

1 **SEC. 2. REVIEW AND ADJUSTMENT OF PAYMENTS UNDER**
2 **THE MEDICARE OUTPATIENT PROSPECTIVE**
3 **PAYMENT SYSTEM TO AVOID FINANCIAL IN-**
4 **CENTIVES TO USE OPIOIDS INSTEAD OF NON-**
5 **OPIOID ALTERNATIVE TREATMENTS.**

6 (a) OUTPATIENT PROSPECTIVE PAYMENT SYS-
7 TEM.—Section 1833(t) of the Social Security Act (42
8 U.S.C. 1395l(t)) is amended by adding at the end the fol-
9 lowing new paragraph:

10 “(22) REVIEW AND REVISIONS OF PAYMENTS
11 FOR NON-OPIOID ALTERNATIVE TREATMENTS.—

12 “(A) IN GENERAL.—With respect to pay-
13 ments made under this subsection for covered
14 OPD services (or groups of services), including
15 covered OPD services assigned to a comprehen-
16 sive ambulatory payment classification, the Sec-
17 retary—

18 “(i) shall, as soon as practicable, con-
19 duct a review (part of which may include
20 a request for information) of payments for

1 opioids and evidence-based non-opioid al-
2 ternatives for pain management (including
3 drugs and devices, nerve blocks, surgical
4 injections, and neuromodulation) with a
5 goal of ensuring that there are not finan-
6 cial incentives to use opioids instead of
7 non-opioid alternatives;

8 “(ii) may, as the Secretary determines
9 appropriate, conduct subsequent reviews of
10 such payments; and

11 “(iii) shall consider the extent to
12 which revisions under this subsection to
13 such payments (such as the creation of ad-
14 ditional groups of covered OPD services to
15 classify separately those procedures that
16 utilize opioids and non-opioid alternatives
17 for pain management) would reduce pay-
18 ment incentives to use opioids instead of
19 non-opioid alternatives for pain manage-
20 ment.

21 “(B) PRIORITY.—In conducting the review
22 under clause (i) of subparagraph (A) and con-
23 sidering revisions under clause (iii) of such sub-
24 paragraph, the Secretary shall focus on covered
25 OPD services (or groups of services) assigned

1 to a comprehensive ambulatory payment classi-
2 fication, ambulatory payment classifications
3 that primarily include surgical services, and
4 other services determined by the Secretary
5 which generally involve treatment for pain man-
6 agement.

7 “(C) REVISIONS.—If the Secretary identi-
8 fies revisions to payments pursuant to subpara-
9 graph (A)(iii), the Secretary shall, as deter-
10 mined appropriate, begin making such revisions
11 for services furnished on or after January 1,
12 2020. Revisions under the previous sentence
13 shall be treated as adjustments for purposes of
14 application of paragraph (9)(B).

15 “(D) RULES OF CONSTRUCTION.—Nothing
16 in this paragraph shall be construed to preclude
17 the Secretary—

18 “(i) from conducting a demonstration
19 before making the revisions described in
20 subparagraph (C); or

21 “(ii) prior to implementation of this
22 paragraph, from changing payments under
23 this subsection for covered OPD services
24 (or groups of services) which include

1 opioids or non-opioid alternatives for pain
2 management.”.

3 (b) AMBULATORY SURGICAL CENTERS.—Section
4 1833(i) of the Social Security Act (42 U.S.C. 1395l(i))
5 is amended by adding at the end the following new para-
6 graph:

7 “(8) The Secretary shall apply the provisions of
8 paragraph (22) of section 1833(t), including the sec-
9 ond sentence of subparagraph (C) of such para-
10 graph, to payment for services under this subsection
11 in an appropriate manner (as determined by the
12 Secretary).”.

