

115TH CONGRESS
2D SESSION

H. R. 5818

To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions to help combat the opioid crisis.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Mr. CROWLEY (for himself and Mr. COSTELLO of Pennsylvania) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions to help combat the opioid crisis.

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 “Opioid Workforce Act
5 of 2018”.

1 **SEC. 2. DISTRIBUTION OF ADDITIONAL RESIDENCY POSI-**
2 **TIONS TO HELP COMBAT OPIOID CRISIS.**

3 (a) IN GENERAL.—Section 1886(h) of the Social Se-
4 curity Act (42 U.S.C. 1395ww(h)) is amended—

5 (1) in paragraph (4)(F)(i), by striking “para-
6 graphs (7) and (8)” and inserting “paragraphs (7),
7 (8), and (9)”;

8 (2) in paragraph (4)(H)(i), by striking “para-
9 graphs (7) and (8)” and inserting “paragraphs (7),
10 (8), and (9)”;

11 (3) in paragraph (7)(E), by inserting “para-
12 graph (9),” after “paragraph (8),”; and

13 (4) by adding at the end the following new
14 paragraph:

15 “(9) DISTRIBUTION OF ADDITIONAL RESIDENCY
16 POSITIONS TO HELP COMBAT OPIOID CRISIS.—

17 “(A) ADDITIONAL RESIDENCY POSI-
18 TIONS.—For each of fiscal years 2019 through
19 2023 (and succeeding fiscal years if the Sec-
20 retary determines that there are additional resi-
21 dency positions available to distribute under
22 subparagraph (D)), the Secretary shall increase
23 the otherwise applicable resident limit for each
24 qualifying hospital that submits a timely appli-
25 cation under this subparagraph by such number
26 as the Secretary may approve for portions of

1 cost reporting periods occurring on or after
2 July 1 of the fiscal year of the increase. Except
3 as provided in subparagraph (B)(iv) or (D), the
4 aggregate number of increases in the otherwise
5 applicable resident limit under this subpara-
6 graph shall be equal to 500 in fiscal year 2019
7 and 500 over the period of fiscal years 2020
8 through 2023, distributed in accordance with
9 the succeeding subparagraphs of this para-
10 graph.

11 “(B) DISTRIBUTION FOR FISCAL YEAR
12 2019.—

13 “(i) IN GENERAL.—For fiscal year
14 2019, the positions available for distribu-
15 tion with respect to the fiscal year as de-
16 scribed in subparagraph (A) shall be dis-
17 tributed to hospitals that have existing es-
18 tablished approved programs in addiction
19 medicine, addiction psychiatry, or pain
20 management as determined by the Sec-
21 retary.

22 “(ii) NUMBER OF POSITIONS HOS-
23 PITAL ELIGIBLE TO RECEIVE.—Subject to
24 clauses (iii) and (iv), the aggregate number
25 of positions a hospital may receive under

1 this subparagraph with respect to fiscal
2 year 2019 is equal to the sum of the fol-
3 lowing:

4 “(I) The number of full-time-
5 equivalent residents that will be train-
6 ing in addiction medicine, addiction
7 psychiatry, or pain management as
8 determined by the Secretary with re-
9 spect to the fiscal year.

10 “(II) The associated number of
11 residents training in a pre-requisite
12 program, such as internal medicine,
13 necessary for the number of full-time
14 residents for the programs described
15 in subclause (I).

16 “(iii) ADDITIONAL POSITIONS FOR EX-
17 PANSION OF EXISTING PROGRAM.—If a
18 hospital demonstrates to the Secretary that
19 the hospital is planning to increase the
20 number of full-time-equivalent residents in
21 existing programs described in clause (i),
22 the Secretary may increase the number of
23 positions a hospital is eligible to receive
24 under clause (ii) in order to accommodate

1 that expansion, as determined by the Sec-
2 retary.

3 “(iv) CONSIDERATIONS IN DISTRIBUTION.—The Secretary shall distribute addi-
4 tional residency positions under this sub-
5 paragraph based on—
6

7 “(I) in the case of positions made
8 available under clause (ii), the dem-
9 onstrated likelihood of the hospital
10 filling such positions by July 1, 2019;
11 and

12 “(II) in the case of positions
13 made available under clause (iii), the
14 demonstrated likelihood of the hos-
15 pital filling such positions within the
16 first three cost reporting periods be-
17 ginning on or after July 1, 2019.

18 “(v) LIMITATION.—Notwithstanding
19 clauses (ii) and (iv), an individual hospital
20 may not receive more than 25 full-time-
21 equivalent residency positions under this
22 subparagraph.

23 “(vi) CLARIFICATION REGARDING
24 AVAILABILITY OF ADDITIONAL POSITIONS
25 IN SUBSEQUENT FISCAL YEARS.—Nothing

1 in this subparagraph shall preclude a hos-
2 pital from receiving additional residency
3 positions under subparagraph (C).

4 “(vii) POSITIONS NOT DISTRIBUTED
5 DURING THE FISCAL YEAR.—If the number
6 of resident full-time-equivalent positions
7 distributed under this subparagraph is less
8 than the aggregate number of positions
9 available for distribution in the fiscal year
10 (as described in subparagraph (A)), the
11 difference between such number distrib-
12 uted and such number available for dis-
13 tribution shall be added to the aggregate
14 number of positions available for distribu-
15 tion under subparagraph (C).

16 “(C) DISTRIBUTION FOR FISCAL YEARS
17 2020 THROUGH 2023.—

18 “(i) IN GENERAL.—For the period of
19 fiscal years 2020 through 2023, the posi-
20 tions available for distribution with respect
21 to such period (as described in subpara-
22 graph (A), including after application of
23 subparagraph (B)(vi)) shall be distributed
24 to hospitals which demonstrate to the Sec-
25 retary that the hospital—

1 “(I) will establish an approved
2 program in addiction medicine, addic-
3 tion psychiatry, or pain management;
4 and

5 “(II) will use all of the additional
6 positions made available under this
7 subparagraph in such program or a
8 prerequisite residency program for
9 such program within the first four
10 cost reporting periods after the in-
11 crease would be effective.

12 “(ii) REQUIREMENTS.—Subject to
13 clause (iii), a hospital that receives an in-
14 crease in the otherwise applicable resident
15 limit under this subparagraph shall ensure,
16 during the 5-year period beginning after
17 the date of such increase, that the hospital
18 uses the positions received under clauses
19 (i)(I) and (i)(II) for the programs for
20 which the positions were distributed, or
21 similar programs (as determined by the
22 Secretary). The Secretary may determine
23 whether a hospital has met the require-
24 ments under this clause during such 5-year
25 period in such manner and at such time as

1 the Secretary determines appropriate, in-
2 cluding at the end of such 5-year period.

3 “(iii) REDISTRIBUTION OF POSITIONS
4 IF HOSPITAL NO LONGER MEETS CERTAIN
5 REQUIREMENTS.—In the case where the
6 Secretary determines that a hospital de-
7 scribed in clause (ii) does not meet the re-
8 quirements of such clause, the Secretary
9 shall—

10 “(I) reduce the otherwise applica-
11 ble resident limit of the hospital by
12 the amount by which such limit was
13 increased under this subparagraph;
14 and

15 “(II) provide for the distribution
16 of positions attributable to such re-
17 duction in accordance with the re-
18 quirements of this paragraph.

19 “(iv) LIMITATION.—An individual
20 hospital may not receive more than 25 full-
21 time-equivalent residency positions under
22 this subparagraph.

23 “(D) DISTRIBUTION OF REMAINING POSI-
24 TIONS.—If the aggregate number of positions
25 distributed under subparagraphs (B) and (C)

1 during the period of fiscal years 2019 through
2 2023 is less than 1,000, the Secretary shall dis-
3 tribute the remaining residency positions in suc-
4 ceeding fiscal years according to criteria con-
5 sistent with this paragraph until such time as
6 the aggregate amount of positions distributed
7 under this paragraph is equal to 1,000.

8 “(E) NOTIFICATION.—The Secretary shall
9 notify hospitals of the number of positions dis-
10 tributed to the hospital under this paragraph as
11 a result on an increase in the otherwise applica-
12 ble resident limit by January 1 of the fiscal
13 year of the increase. Such increase shall be ef-
14 fective for portions of cost reporting periods be-
15 ginning on or after July 1 of that fiscal year.

16 “(F) APPLICATION OF PER RESIDENT
17 AMOUNTS FOR PRIMARY CARE AND NONPRI-
18 MARY CARE.—With respect to additional resi-
19 dency positions in a hospital attributable to the
20 increase provided under this paragraph, the ap-
21 proved FTE per resident amounts are deemed
22 to be equal to the hospital per resident amounts
23 for primary care and nonprimary care com-
24 puted under paragraph (2)(D) for that hospital.

1 “(G) PERMITTING FACILITIES TO APPLY
2 AGGREGATION RULES.—The Secretary shall
3 permit hospitals receiving additional residency
4 positions attributable to the increase provided
5 under this paragraph to, beginning in the fifth
6 year after the effective date of such increase,
7 apply such positions to the limitation amount
8 under paragraph (4)(F) that may be aggre-
9 gated pursuant to paragraph (4)(H) among
10 members of the same affiliated group.

11 “(H) DEFINITIONS.—In this paragraph:

12 “(i) OTHERWISE APPLICABLE RESI-
13 DENT LIMIT.—The term ‘otherwise appli-
14 cable resident limit’ means, with respect to
15 a hospital, the limit otherwise applicable
16 under subparagraphs (F)(i) and (H) of
17 paragraph (4) on the resident level for the
18 hospital determined without regard to this
19 paragraph but taking into account para-
20 graphs (7)(A), (7)(B), (8)(A), and (8)(B).

21 “(ii) RESIDENT LEVEL.—The term
22 ‘resident level’ has the meaning given such
23 term in paragraph (7)(C)(i).”.

24 (b) IME.—

1 (1) IN GENERAL.—Section 1886(d)(5)(B)(v) of
2 the Social Security Act (42 U.S.C.
3 1395ww(d)(5)(B)(v)), in the third sentence, is
4 amended by striking “and (h)(8)” and inserting
5 “(h)(8), and (h)(9)”.

6 (2) CONFORMING PROVISION.—Section
7 1886(d)(5)(B) of the Social Security Act (42 U.S.C.
8 1395ww(d)(5)(B)) is amended—

9 (A) by redesignating clause (x), as added
10 by section 5505(b) of the Patient Protection
11 and Affordable Care Act (Public Law 111–
12 148), as clause (xi) and moving such clause 4
13 ems to the left; and

14 (B) by adding after clause (xi), as redesign-
15 ated by subparagraph (A), the following new
16 clause:

17 “(xii) For discharges occurring on or after July
18 1, 2019, insofar as an additional payment amount
19 under this subparagraph is attributable to resident
20 positions distributed to a hospital under subsection
21 (h)(9), the indirect teaching adjustment factor shall
22 be computed in the same manner as provided under
23 clause (ii) with respect to such resident positions.”.

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