

115TH CONGRESS
2D SESSION

H. R. 5809

To amend title XVIII of the Social Security Act to encourage the use of non-opioid analgesics for the management of post-surgical pain under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Mr. PETERS (for himself and Mr. BUCSHON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 encourage the use of non-opioid analgesics for the management of post-surgical pain under the Medicare program, 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 “Postoperative Opioid
5 Prevention Act of 2018”.

1 **SEC. 2. MEDICARE INCENTIVES FOR USE OF NON-OPIOID**
2 **ANALGESICS IN HOSPITAL OUTPATIENT DE-**
3 **PARTMENTS AND AMBULATORY SURGICAL**
4 **CENTERS.**

5 Section 1833(t)(6) of the Social Security Act (42
6 U.S.C. 1395l(t)(6)) is amended—

7 (1) in subparagraph (C)(i), by inserting “or, in
8 the case of an eligible non-opioid analgesic (as de-
9 fined in subparagraph (J)), during a period of 5
10 years,” after “3 years,”; and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(J) ELIGIBLE NON-OPIOID ANALGESIC
14 DEFINED.—In this paragraph, the term ‘eligible
15 non-opioid analgesic’ means a drug or biologi-
16 cal—

17 “(i) that is an analgesic that is not an
18 opioid;

19 “(ii) that demonstrated substantial
20 clinical improvement; and

21 “(iii) for which payment—

22 “(I) as an outpatient hospital
23 service under this part was not being
24 made as of the date of the enactment
25 of this subparagraph; or

1 “(II) was being made under this
2 paragraph as of such date.”.

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