

116TH CONGRESS  
1ST SESSION

# H. R. 3414

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2019

Mr. SCHNEIDER (for himself, Mrs. BROOKS of Indiana, Ms. KUSTER of New Hampshire, and Ms. STEFANIK) 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

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## 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 2019”.

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 2022 through  
19 2026 (and succeeding fiscal years if the Sec-  
20 retary determines that there are additional full-  
21 time equivalent residency positions available to  
22 distribute under subparagraph (D)), the Sec-  
23 retary shall increase the otherwise applicable  
24 resident limit for each qualifying hospital that  
25 submits a timely application under this para-  
26 graph by such number as the Secretary may ap-

1           prove, effective for portions of cost reporting  
2           periods occurring on or after July 1 of the fis-  
3           cal year of the increase. The aggregate number  
4           of additional full-time equivalent resident posi-  
5           tions available for distribution under this para-  
6           graph shall be equal to 1,000, distributed in ac-  
7           cordance with the succeeding subparagraphs of  
8           this paragraph.

9           “(B) DISTRIBUTION FOR FISCAL YEAR  
10          2022.—

11           “(i) IN GENERAL.—For fiscal year  
12           2022, 500 of the positions described in  
13           subparagraph (A) may only be distributed  
14           to hospitals that have established (as of  
15           the date of the enactment of this para-  
16           graph) approved programs in addiction  
17           medicine, addiction psychiatry, or pain  
18           medicine, as determined by the Secretary.

19           “(ii) CONSIDERATIONS IN DISTRIBUTION.—The Secretary shall distribute addi-  
20           tional residency positions under this sub-  
21           paragraph based on the demonstrated like-  
22           lihood (as determined by the Secretary) of  
23           the hospital filling such positions.  
24

1           “(iii) REQUIREMENTS.—A hospital  
2 that receives an increase in the otherwise  
3 applicable resident limit under this sub-  
4 paragraph shall ensure, during the 5-year  
5 period beginning after the date of such in-  
6 crease, that the hospital uses the positions  
7 made available under this subparagraph  
8 for a program described in clause (i) or a  
9 program that is a prerequisite (as deter-  
10 mined by the Secretary) for such a pro-  
11 gram so described, such as internal medi-  
12 cine. The Secretary may determine wheth-  
13 er a hospital has met the requirements  
14 under this clause during such 5-year pe-  
15 riod in such manner and at such time as  
16 the Secretary determines appropriate, in-  
17 cluding at the end of such 5-year period.

18           “(iv) REDISTRIBUTION OF POSITIONS  
19 IF HOSPITAL NO LONGER MEETS CERTAIN  
20 REQUIREMENTS.—In the case in which the  
21 Secretary determines that a hospital de-  
22 scribed in clause (iii) does not meet the re-  
23 quirements of such clause, the Secretary  
24 shall—

1                   “(I) reduce the otherwise applica-  
2                   ble resident limit of the hospital by  
3                   the amount by which such limit was  
4                   increased under this subparagraph;  
5                   and

6                   “(II) provide for the distribution  
7                   of positions attributable to such re-  
8                   duction in accordance with the re-  
9                   quirements of this paragraph.

10                   “(C) DISTRIBUTION FOR FISCAL YEARS  
11                   2023 THROUGH 2026.—

12                   “(i) IN GENERAL.—For the period of  
13                   fiscal years 2023 through 2026, 500 of the  
14                   positions available for distribution under  
15                   subparagraph (A) shall be distributed to  
16                   hospitals which demonstrate to the Sec-  
17                   retary that the hospital has established or  
18                   will establish an approved residency train-  
19                   ing program in addiction medicine, addic-  
20                   tion psychiatry, or pain medicine.

21                   “(ii) CONSIDERATIONS IN DISTRIBU-  
22                   TION.—The Secretary shall distribute addi-  
23                   tional residency positions under this sub-  
24                   paragraph based on the demonstrated like-  
25                   lihood, as determined by the Secretary, of

1 the hospital filling such positions within  
2 the first 4 training years (as specified by  
3 the Secretary) after the increase would be  
4 effective.

5 “(iii) REQUIREMENTS.—A hospital  
6 that receives an increase in the otherwise  
7 applicable resident limit under this sub-  
8 paragraph shall ensure, during the 5-year  
9 period beginning after the date of such in-  
10 crease, that the hospital uses the positions  
11 made available under this subparagraph  
12 for a program described in clause (i) or a  
13 program that is a prerequisite (as deter-  
14 mined by the Secretary) for such a pro-  
15 gram so described, such as internal medi-  
16 cine. The Secretary may determine wheth-  
17 er a hospital has met the requirements  
18 under this clause during such 5-year pe-  
19 riod in such manner and at such time as  
20 the Secretary determines appropriate, in-  
21 cluding at the end of such 5-year period.

22 “(iv) REDISTRIBUTION OF POSITIONS  
23 IF HOSPITAL NO LONGER MEETS CERTAIN  
24 REQUIREMENTS.—In the case where the  
25 Secretary determines that a hospital de-

1           scribed in clause (iii) does not meet the re-  
2           quirements of such clause, the Secretary  
3           shall—

4                   “(I) reduce the otherwise applica-  
5                   ble resident limit of the hospital by  
6                   the amount by which such limit was  
7                   increased under this subparagraph;  
8                   and

9                   “(II) provide for the distribution  
10                  of positions attributable to such re-  
11                  duction in accordance with the re-  
12                  quirements of this paragraph.

13                  “(D) DISTRIBUTION OF REMAINING POSI-  
14                  TIONS.—If the aggregate number of positions  
15                  distributed under subparagraphs (B) and (C)  
16                  during the period of fiscal years 2022 through  
17                  2026 is less than 500, the Secretary shall dis-  
18                  tribute the remaining residency positions in suc-  
19                  ceeding fiscal years according to criteria con-  
20                  sistent with this paragraph until such time as  
21                  the aggregate amount of positions distributed  
22                  under this paragraph is equal to 500.

23                  “(E) LIMITATION.—An individual hospital  
24                  may not receive more than 25 full-time-equiva-  
25                  lent residency positions under this paragraph.

1           “(F) NOTIFICATION.—The Secretary shall  
2           notify hospitals of the number of positions dis-  
3           tributed to the hospital under this paragraph as  
4           a result of an increase in the otherwise applica-  
5           ble resident limit by January 1 of the fiscal  
6           year of the increase. Such increase shall be ef-  
7           fective for portions of cost reporting periods be-  
8           ginning on or after July 1 of that fiscal year.

9           “(G) APPLICATION OF PER RESIDENT  
10           AMOUNTS FOR PRIMARY CARE AND NONPRI-  
11           MARY CARE.—With respect to additional resi-  
12           dency positions in a hospital attributable to the  
13           increase provided under this paragraph, the ap-  
14           proved FTE per resident amounts are deemed  
15           to be equal to the hospital per resident amounts  
16           for primary care and nonprimary care com-  
17           puted under paragraph (2)(D) for that hospital.

18           “(H) PERMITTING FACILITIES TO APPLY  
19           AGGREGATION RULES.—The Secretary shall  
20           permit hospitals receiving additional residency  
21           positions attributable to the increase provided  
22           under this paragraph to, beginning in the fifth  
23           year after the effective date of such increase,  
24           apply such positions to the limitation amount  
25           under paragraph (4)(F) that may be aggre-



1 gated pursuant to paragraph (4)(H) among  
2 members of the same affiliated group.

3 “(I) CLARIFICATION.—Chapter 35 of title  
4 44, United States Code, shall not apply to im-  
5 plementation of this paragraph.

6 “(J) DEFINITIONS.—In this paragraph:

7 “(i) OTHERWISE APPLICABLE RESI-  
8 DENT LIMIT.—The term ‘otherwise appli-  
9 cable resident limit’ means, with respect to  
10 a hospital, the limit otherwise applicable  
11 under paragraph (4)(F)(i) on the resident  
12 level for the hospital determined without  
13 regard to this paragraph but taking into  
14 account paragraphs (7)(A), (7)(B), (8)(A),  
15 and (8)(B).

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

19 (b) IME.—

20 (1) IN GENERAL.—Section 1886(d)(5)(B)(v) of  
21 the Social Security Act (42 U.S.C.  
22 1395ww(d)(5)(B)(v)), in the third sentence, is  
23 amended by striking “and (h)(8)” and inserting  
24 “(h)(8), and (h)(9)”.

1           (2)       CONFORMING       PROVISION.—Section  
2       1886(d)(5)(B) of the Social Security Act (42 U.S.C.  
3       1395ww(d)(5)(B)) is amended—

4                   (A) by redesignating clause (x), as added  
5                   by section 5505(b) of the Patient Protection  
6                   and Affordable Care Act (Public Law 111–  
7                   148), as clause (xi) and moving such clause 4  
8                   ems to the left; and

9                   (B) by adding after clause (xi), as redesign-  
10                  nated by subparagraph (A), the following new  
11                  clause:

12                  “(xii) For discharges occurring on or after July  
13       1, 2022, insofar as an additional payment amount  
14       under this subparagraph is attributable to resident  
15       positions distributed to a hospital under subsection  
16       (h)(9), the indirect teaching adjustment factor shall  
17       be computed in the same manner as provided under  
18       clause (ii) with respect to such resident positions.”.

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