

116TH CONGRESS
1ST SESSION

H. R. 4665

To amend title XVIII of the Social Security Act to provide coverage for certain vision items and services under part B of the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2019

Ms. SCHRIER (for herself, Mr. O'HALLERAN, Ms. SLOTKIN, and Ms. DELBENE) 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 provide coverage for certain vision items and services under part B of the Medicare program.

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 “Medicare Vision Act
5 of 2019”.

1 **SEC. 2. PROVIDING COVERAGE FOR VISION CARE UNDER**
2 **THE MEDICARE PROGRAM.**

3 (a) **COVERAGE.**—Section 1861(s)(2) of the Social Se-
4 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

5 (1) in subparagraph (GG), by striking “and”
6 after the semicolon at the end;

7 (2) in subparagraph (HH), by striking the pe-
8 riod at the end and adding “; and”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(II) vision services (as defined in subsection
12 (kkk));”.

13 (b) **VISION SERVICES DEFINED.**—Section 1861 of
14 the Social Security Act (42 U.S.C. 1395x) is amended by
15 adding at the end the following new subsection:

16 “(kkk) **VISION SERVICES.**—The term ‘vision services’
17 means—

18 “(1) routine eye examinations, including proce-
19 dures performed during the course of such examina-
20 tion to determine the refractive state of the eyes;
21 and

22 “(2) contact lens fitting services,
23 furnished on or after January 1, 2022, by or under the
24 direct supervision of an optometrist or ophthalmologist
25 who is legally authorized to furnish such examinations,
26 procedures, or fitting services (as applicable) under State

1 law (or the State regulatory mechanism provided by State
2 law) of the State in which the examinations, procedures,
3 or fitting services are furnished.”.

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

5 (1) IN GENERAL.—Section 1833(a)(1) of the
6 Social Security Act (42 U.S.C. 1395l(a)(1)) is
7 amended—

8 (A) by striking “and” before “(CC)”; and

9 (B) by inserting before the semicolon at
10 the end the following: “, and (DD) with respect
11 to vision services (as defined in section
12 1861(kkk)), the amount paid shall be equal to
13 80 percent of the lesser of the actual charge or
14 the amount determined under the payment
15 basis determined under section 1848”.

16 (2) LIMITS SPECIFIED.—Section 1834 of the
17 Social Security Act (42 U.S.C. 1395m) is amended
18 by adding at the end the following new subsection:

19 “(x) LIMITATION FOR VISION SERVICES.—With re-
20 spect to vision services (as defined in section 1861(kkk))
21 and an individual, payment may be made under this part
22 for only 1 routine eye examination described in paragraph
23 (1) of such section and 1 contact lens fitting service de-
24 scribed in paragraph (2) of such section during a 2-year
25 period.”.

1 (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—

2 (1) IN GENERAL.—Section 1848(j)(3) of the
3 Social Security Act (42 U.S.C. 1395w-4(j)(3)) is
4 amended by inserting “(2)(II),” before “(3)”.

5 (2) BUDGET NEUTRALITY.—Section
6 1848(c)(2)(B)(iv) of the Social Security Act (42
7 U.S.C. 1395-w(c)(2)(B)(iv)) is amended—

8 (A) in subclause (III), by striking “and” at
9 the end;

10 (B) in subclause (IV), by striking the pe-
11 riod at the end and inserting “; and”; and

12 (C) by adding at the end the following new
13 subclause:

14 “(V) the amendment made by
15 section 2(d)(1) of the Medicare Vision
16 Act of 2019 shall not be taken into
17 account in applying clause (ii)(II) for
18 2022 and 2023.”.

19 (e) COVERAGE OF CONVENTIONAL EYEGLASSES AND
20 CONTACT LENSES.—Section 1861(s)(8) of the Social Se-
21 curity Act (42 U.S.C. 1395x(s)(8)) is amended by striking
22 “, and including one pair of conventional eyeglasses or
23 contact lenses furnished subsequent to each cataract sur-
24 gery with insertion of an intraocular lens” and inserting
25 “, including one pair of conventional eyeglasses or contact

1 lenses furnished subsequent to each cataract surgery with
2 insertion of an intraocular lens, if furnished before Janu-
3 ary 1, 2022, and including conventional eyeglasses or con-
4 tact lenses, whether or not furnished subsequent to such
5 a surgery, if furnished on or after January 1, 2022”.

6 (f) SPECIAL PAYMENT RULES FOR EYEGLASSES AND
7 CONTACT LENSES.—

8 (1) LIMITATIONS.—Section 1834(h) of the So-
9 cial Security Act (42 U.S.C. 1395m(h)) is amended
10 by adding at the end the following new paragraph:

11 “(6) PAYMENT LIMITATIONS FOR EYEGLASSES
12 AND CONTACT LENSES.—With respect to eyeglasses
13 and contact lenses furnished to an individual on or
14 after January 1, 2022, payment may be made under
15 this part only—

16 “(A) during any 2-year period, for either 1
17 pair of eyeglasses (including lenses and frames)
18 or a 2-year supply that is provided in not more
19 than 180-day increments of contact lenses;

20 “(B) with respect to amounts attributable
21 to the frames of such a pair of eyeglasses and
22 amounts attributable to contact lenses fur-
23 nished during a year, in an amount not greater
24 than—

25 “(i) for 2022, \$100; and

1 “(ii) for a subsequent year, the
2 amount specified under this subparagraph
3 for the previous year, increased by the per-
4 centage change in the Consumer Price
5 Index for All Urban Consumers during
6 such previous year;

7 “(C) for types of eyeglass lenses, and for
8 types of contact lenses, as determined appro-
9 priate by the Secretary; and

10 “(D) if furnished pursuant to a written
11 order of a physician described in section
12 1861(kkk).”.

13 (2) APPLICATION OF COMPETITIVE ACQUISI-
14 TION.—

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

18 (i) in the header by inserting “, EYE-
19 GLASSES, AND CONTACT LENSES” after
20 “ORTHOTICS”;

21 (ii) by inserting “and of eyeglasses
22 and contact lenses described in paragraph
23 (2)(D) of such section,” after “2009,”;
24 and

1 (iii) in clause (i), by inserting “or
2 such eyeglasses and contact lenses” after
3 “orthotics”.

4 (B) CONFORMING AMENDMENT.—

5 (i) IN GENERAL.—Section 1847(a)(2)
6 of the Social Security Act (42 U.S.C.
7 1395w–3(a)(2)) is amended by adding at
8 the end the following new subparagraph:

9 “(D) EYEGLASSES AND CONTACT
10 LENSES.—Eyeglasses and contact lenses for
11 which payment would otherwise be made under
12 section 1834(h).”.

13 (ii) EXEMPTION OF CERTAIN ITEMS
14 FROM COMPETITIVE ACQUISITION.—Sec-
15 tion 1847(a)(7) of the Social Security Act
16 (42 U.S.C. 1395w–3(a)(7)) is amended by
17 adding at the end the following new sub-
18 paragraph:

19 “(C) CERTAIN EYEGLASSES AND CONTACT
20 LENSES.—Those items and services described in
21 paragraph (2)(D) if furnished by a physician or
22 other practitioner (as defined by the Secretary)
23 to the physician’s or practitioner’s own patients
24 as part of the physician’s or practitioner’s pro-
25 fessional service.”.

1 (g) EXCLUSION MODIFICATIONS.—Section 1862(a)
2 of the Social Security Act (42 U.S.C. 1395y(a)) is amend-
3 ed—

4 (1) in paragraph (1)—

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

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

9 (C) by adding at the end the following new
10 subparagraph:

11 “(Q) in the case of vision services (as defined
12 in section 1861(kkk)) that are routine eye examina-
13 tions and contact lens fitting services (as described
14 in paragraph (1) or (2), respectively, of such sec-
15 tion), which are furnished more frequently than once
16 during a 2-year period;” and

17 (2) in paragraph (7)—

18 (A) by inserting “(other than such an ex-
19 amination that is a vision service that is cov-
20 ered under section 1861(s)(2)(II))” after “eye
21 examinations”; and

22 (B) by inserting “(other than such a proce-
23 dure that is a vision service that is covered
24 under section 1861(s)(2)(II))” after “refractive
25 state of the eyes”.

1 **SEC. 3. IMPLEMENTATION FUNDING.**

2 The Secretary of Health and Human Services shall
3 provide for the transfer from the Federal Supplementary
4 Medical Insurance Trust Fund under section 1841 of the
5 Social Security Act (42 U.S.C. 1395t) to the Centers for
6 Medicare & Medicaid Services Program Management Ac-
7 count for the period of 2020 through 2024 of such sums
8 as may be necessary for purposes of implementing the
9 amendments made by section 2.

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