

# Union Calendar No. 304

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4665

[Report No. 116–327, Parts I and II]

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.

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## 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

DECEMBER 6, 2019

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JANUARY 24, 2020

Additional sponsors: Ms. CASTOR of Florida, Ms. NORTON, Mr. CUELLAR, and Mr. WELCH

JANUARY 24, 2020

Reported from the Committee on Energy and Commerce, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 11, 2019]

# **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 of*  
5 *2019”.*

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

8       *(a) COVERAGE.—Section 1861(s)(2) of the Social Secu-*  
9 *rity Act (42 U.S.C. 1395x(s)(2)) is amended—*

10           *(1) in subparagraph (GG), by striking “and”*  
11 *after the semicolon at the end;*

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

14           *(3) by adding at the end the following new sub-*  
15 *paragraph:*

16           *“(II) vision services (as defined in subsection*  
17 *(kkk));”.*

18       *(b) VISION SERVICES DEFINED.—Section 1861 of the*  
19 *Social Security Act (42 U.S.C. 1395x) is amended by add-*  
20 *ing at the end the following new subsection:*

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

23           *“(1) routine eye examinations to determine the*  
24 *refractive state of the eyes, including procedures per-*  
25 *formed during the course of such examination; and*

1           “(2) *contact lens fitting services;*  
2 *furnished on or after January 1, 2022, by or under the di-*  
3 *rect supervision of an optometrist or ophthalmologist who*  
4 *is legally authorized to furnish such examinations, proce-*  
5 *dures, or fitting services (as applicable) under State law*  
6 *(or the State regulatory mechanism provided by State law)*  
7 *of the State in which the examinations, procedures, or fit-*  
8 *ting services are furnished.”.*

9           (c) *PAYMENT; COINSURANCE; AND LIMITATIONS.—*

10           (1) *IN GENERAL.—Section 1833(a)(1) of the So-*  
11 *cial Security Act (42 U.S.C. 1395l(a)(1)) is amend-*  
12 *ed—*

13                   (A) *by striking “and” before “(CC)”;* and

14                   (B) *by inserting before the semicolon at the*  
15 *end the following: “, and (DD) with respect to*  
16 *vision services (as defined in section 1861(kkk)),*  
17 *the amount paid shall be equal to 80 percent of*  
18 *the lesser of the actual charge or the amount de-*  
19 *termined under the payment basis determined*  
20 *under section 1848”.*

21           (2) *LIMITS SPECIFIED.—Section 1834 of the So-*  
22 *cial Security Act (42 U.S.C. 1395m) is amended by*  
23 *adding at the end the following new subsection:*

24           “(x) *LIMITATION FOR VISION SERVICES.—With respect*  
25 *to vision services (as defined in section 1861(kkk)) and an*

1 *individual, payment may be made under this part for only*  
 2 *1 routine eye examination described in paragraph (1) of*  
 3 *such section and 1 contact lens fitting service described in*  
 4 *paragraph (2) of such section during a 2-year period.”.*

5 *(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—*

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

9 *(2) BUDGET NEUTRALITY.—Section*  
 10 *1848(c)(2)(B)(iv) of the Social Security Act (42*  
 11 *U.S.C. 1395–w(c)(2)(B)(iv)) is amended—*

12 *(A) in subclause (III), by striking “and” at*  
 13 *the end;*

14 *(B) in subclause (IV), by striking the period*  
 15 *at the end and inserting “; and”; and*

16 *(C) by adding at the end the following new*  
 17 *subclause:*

18 *“(V) the amendment made by sec-*  
 19 *tion 2(d)(1) of the Medicare Vision Act*  
 20 *of 2019 shall not be taken into account*  
 21 *in applying clause (i)(II) for 2022*  
 22 *and 2023.”.*

23 *(e) COVERAGE OF CONVENTIONAL EYEGLASSES AND*  
 24 *CONTACT LENSES.—Section 1861(s)(8) of the Social Secu-*  
 25 *rity Act (42 U.S.C. 1395x(s)(8)) is amended by striking “,*

1 *and including one pair of conventional eyeglasses or contact*  
2 *lenses furnished subsequent to each cataract surgery with*  
3 *insertion of an intraocular lens” and inserting “, including*  
4 *one pair of conventional eyeglasses or contact lenses fur-*  
5 *nished subsequent to each cataract surgery with insertion*  
6 *of an intraocular lens, if furnished before January 1, 2022,*  
7 *and including conventional eyeglasses or contact lenses,*  
8 *whether or not furnished subsequent to such a surgery, if*  
9 *furnished on or after January 1, 2022”.*

10 (f) *SPECIAL PAYMENT RULES FOR EYEGLASSES AND*  
11 *CONTACT LENSES.—*

12 (1) *LIMITATIONS.—Section 1834(h) of the Social*  
13 *Security Act (42 U.S.C. 1395m(h)) is amended by*  
14 *adding at the end the following new paragraph:*

15 “(6) *PAYMENT LIMITATIONS FOR EYEGLASSES*  
16 *AND CONTACT LENSES.—*

17 “(A) *IN GENERAL.—With respect to eye-*  
18 *glasses and contact lenses furnished to an indi-*  
19 *vidual on or after January 1, 2022, subject to*  
20 *subparagraph (B), payment may be made under*  
21 *this part only—*

22 “(i) *during a 2-year period, for either*  
23 *1 pair of eyeglasses (including lenses and*  
24 *frames) or a 2-year supply that is provided*

1           *in not more than 180-day increments of*  
2           *contact lenses;*

3           “(ii) *with respect to amounts attrib-*  
4           *utable to the frames of such a pair of eye-*  
5           *glasses and amounts attributable to contact*  
6           *lenses furnished during a year, in an*  
7           *amount not greater than—*

8                     “(I) *for 2022, \$100; and*

9                     “(II) *for a subsequent year, the*  
10            *amount specified under this subpara-*  
11            *graph for the previous year, increased*  
12            *by the percentage change in the con-*  
13            *sumer price index for all urban con-*  
14            *sumers during such previous year;*

15                    “(iii) *for types of eyeglass lenses, and*  
16            *for types of contact lenses, as determined*  
17            *appropriate by the Secretary;*

18                    “(iv) *if furnished pursuant to a writ-*  
19            *ten order of a physician described in section*  
20            *1861(kkk); and*

21                    “(v) *if during the 2-year period de-*  
22            *scribed in clause (i), the individual did not*  
23            *already receive (as described in subpara-*  
24            *graph (B)) one pair of conventional eye-*  
25            *glasses or contact lenses subsequent to a cat-*

1            *aract surgery with insertion of an intra-*  
2            *ocular lens furnished during such period.*

3            “(B) *EXCEPTION.*—*With respect to a 2-year*  
4            *period described in subparagraph (A)(i), in the*  
5            *case of an individual who receives cataract sur-*  
6            *gery with insertion of an intraocular lens, not-*  
7            *withstanding subparagraph (A), payment may*  
8            *be made under this part for one pair of conven-*  
9            *tional eyeglasses or contact lenses furnished sub-*  
10           *sequent to such cataract surgery during such pe-*  
11           *riod.”.*

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

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

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

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

23           (iii) *in clause (i), by inserting “or*  
24           *such eyeglasses and contact lenses” after*  
25           *“orthotics”.*



1                   (B) *CONFORMING AMENDMENT.*—

2                   (i) *IN GENERAL.*—Section 1847(a)(2)  
3                   of the Social Security Act (42 U.S.C.  
4                   1395w–3(a)(2)) is amended by adding at  
5                   the end the following new subparagraph:

6                   “(D) *EYEGLASSES AND CONTACT LENSES.*—  
7                   Eyeglasses and contact lenses for which payment  
8                   would otherwise be made under section  
9                   1834(h).”.

10                   (ii) *EXEMPTION OF CERTAIN ITEMS*  
11                   *FROM COMPETITIVE ACQUISITION.*—Section  
12                   1847(a)(7) of the Social Security Act (42  
13                   U.S.C. 1395w–3(a)(7)) is amended by add-  
14                   ing at the end the following new subpara-  
15                   graph:

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

23                   (g) *EXCLUSION MODIFICATIONS.*—Section 1862(a) of  
24                   the Social Security Act (42 U.S.C. 1395y(a)) is amended—

25                   (1) in paragraph (1)—

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

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

5           (C) by adding at the end the following new  
6           subparagraph:

7           “(Q) in the case of vision services (as defined in  
8           section 1861(kkk)) that are routine eye examinations  
9           and contact lens fitting services (as described in para-  
10          graph (1) or (2), respectively, of such section), which  
11          are furnished more frequently than once during a 2-  
12          year period;” and

13          (2) in paragraph (7)—

14               (A) by inserting “(other than such an exam-  
15               ination that is a vision service that is covered  
16               under section 1861(s)(2)(II))” after “eye exami-  
17               nations”; and

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

22 **SEC. 3. IMPLEMENTATION FUNDING.**

23           The Secretary of Health and Human Services shall  
24           provide for the transfer from the Federal Supplementary  
25           Medical Insurance Trust Fund under section 1841 of the

1 *Social Security Act (42 U.S.C. 1395t) to the Centers for*  
2 *Medicare & Medicaid Services Program Management Ac-*  
3 *count for the period of 2020 through 2024 of such sums as*  
4 *may be necessary for purposes of implementing the amend-*  
5 *ments made by section 2.*

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