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

Ms. SCHRIER introduced the following bill; which was referred to the Committee 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Vision Act of 2019”.
SEC. 2. PROVIDING COVERAGE FOR VISION CARE UNDER THE MEDICARE PROGRAM.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

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

(2) in subparagraph (HH), by striking the period at the end and adding “; and”; and

(3) by adding at the end the following new subparagraph:

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

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

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

“(1) routine eye examinations, including procedures performed during the course of such examination to determine the refractive state of the eyes; and

“(2) contact lens fitting services; furnished on or after January 1, 2022, by or under the direct supervision of an optometrist or ophthalmologist who is legally authorized to furnish such examinations, procedures, or fitting services (as applicable) under State
law (or the State regulatory mechanism provided by State law) of the State in which the examinations, procedures, or fitting services are furnished.”.

(e) PAYMENT; COINSURANCE; AND LIMITATIONS.—

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

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

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

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

“(x) LIMITATION FOR VISION SERVICES.—With respect to vision services (as defined in section 1861(kkk)) and an individual, payment may be made under this part for only 1 routine eye examination described in paragraph (1) of such section and 1 contact lens fitting service described in paragraph (2) of such section during a 2-year period.”.
(d) Payment Under Physician Fee Schedule.—

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

(2) Budget Neutrality.—Section 1848(c)(2)(B)(iv) of the Social Security Act (42 U.S.C. 1395–w(c)(2)(B)(iv)) is amended—

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

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

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

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

(e) Coverage of Conventional Eyeglasses and Contact Lenses.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended by striking “, and including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens” and inserting “, including one pair of conventional eyeglasses or contact
lenses furnished subsequent to each cataract surgery with
insertion of an intraocular lens, if furnished before January 1, 2022, and including conventional eyeglasses or contact lenses, whether or not furnished subsequent to such a surgery, if furnished on or after January 1, 2022”.

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

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

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

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

“(B) with respect to amounts attributable to the frames of such a pair of eyeglasses and amounts attributable to contact lenses furnished during a year, in an amount not greater than—

“(i) for 2022, $100; and
“(ii) for a subsequent year, the amount specified under this subparagraph for the previous year, increased by the percentage change in the Consumer Price Index for All Urban Consumers during such previous year;

“(C) for types of eyeglass lenses, and for types of contact lenses, as determined appropriate by the Secretary; and

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

(2) APPLICATION OF COMPETITIVE ACQUISITION.—

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

(i) in the header by inserting “, EYEGLASSES, AND CONTACT LENSES” after “ORTHOTICS”;

(ii) by inserting “and of eyeglasses and contact lenses described in paragraph (2)(D) of such section,” after “2009,” ; and
(iii) in clause (i), by inserting “or such eyeglasses and contact lenses” after “orthotics”.

(B) CONFORMING AMENDMENT.—

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

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

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

“(C) CERTAIN EYEGLASSES AND CONTACT LENSES.—Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician’s or practitioner’s own patients as part of the physician’s or practitioner’s professional service.”.
(g) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

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

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

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

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

(2) in paragraph (7)—

(A) by inserting “(other than such an examination that is a vision service that is covered under section 1861(s)(2)(II))” after “eye examinations”; and

(B) by inserting “(other than such a procedure that is a vision service that is covered under section 1861(s)(2)(II))” after “refractive state of the eyes”.
SEC. 3. IMPLEMENTATION FUNDING.

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