

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 DISTRIBUTION.—The Secretary shall distribute addi-  
22 tional residency positions under this sub-  
23 paragraph based on the demonstrated like-  
24 lihood, as determined by the Secretary, of  
25

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-

scribed in clause (iii) does not meet the requirements of such clause, the Secretary shall—

“(I) reduce the otherwise applicable resident limit of the hospital by the amount by which such limit was increased under this subparagraph; and

“(II) provide for the distribution of positions attributable to such reduction in accordance with the requirements of this paragraph.

“(D) DISTRIBUTION OF REMAINING POSITIONS.—If the aggregate number of positions distributed under subparagraphs (B) and (C) during the period of fiscal years 2022 through 2026 is less than 500, the Secretary shall distribute the remaining residency positions in succeeding fiscal years according to criteria consistent with this paragraph until such time as the aggregate amount of positions distributed under this paragraph is equal to 500.

“(E) LIMITATION.—An individual hospital may not receive more than 25 full-time-equivalent 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-



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

“(I) CLARIFICATION.—Chapter 35 of title 44, United States Code, shall not apply to implementation of this paragraph.

“(J) DEFINITIONS.—In this paragraph:

“(i) OTHERWISE APPLICABLE RESIDENT LIMIT.—The term ‘otherwise applicable resident limit’ means, with respect to a hospital, the limit otherwise applicable under paragraph (4)(F)(i) on the resident level for the hospital determined without regard to this paragraph but taking into account paragraphs (7)(A), (7)(B), (8)(A), and (8)(B).

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

(b) IME.—

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