

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4665
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Medicare Vision Act
3 of 2019”.

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

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

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

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

12 (3) by adding at the end the following new sub-
13 paragraph:

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

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

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

3 “(1) routine eye examinations to determine the
4 refractive state of the eyes, including procedures per-
5 formed during the course of such examination; and

6 “(2) contact lens fitting services;

7 furnished on or after January 1, 2022, by or under the
8 direct supervision of an optometrist or ophthalmologist
9 who is legally authorized to furnish such examinations,
10 procedures, or fitting services (as applicable) under State
11 law (or the State regulatory mechanism provided by State
12 law) of the State in which the examinations, procedures,
13 or fitting services are furnished.”.

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

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

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

19 (B) by inserting before the semicolon at
20 the end the following: “, and (DD) with respect
21 to vision services (as defined in section
22 1861(kkk)), the amount paid shall be equal to
23 80 percent of the lesser of the actual charge or
24 the amount determined under the payment
25 basis determined under section 1848”.

1 Act of 2019 shall not be taken into
2 account in applying clause (ii)(II) for
3 2022 and 2023.”.

4 (e) COVERAGE OF CONVENTIONAL EYEGLASSES AND
5 CONTACT LENSES.—Section 1861(s)(8) of the Social Se-
6 curity Act (42 U.S.C. 1395x(s)(8)) is amended by striking
7 “, and including one pair of conventional eyeglasses or
8 contact lenses furnished subsequent to each cataract sur-
9 gery with insertion of an intraocular lens” and inserting
10 “, including one pair of conventional eyeglasses or contact
11 lenses furnished subsequent to each cataract surgery with
12 insertion of an intraocular lens, if furnished before Janu-
13 ary 1, 2022, and including conventional eyeglasses or con-
14 tact lenses, whether or not furnished subsequent to such
15 a surgery, if furnished on or after January 1, 2022”.

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

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

21 “(6) PAYMENT LIMITATIONS FOR EYEGLASSES
22 AND CONTACT LENSES.—

23 “(A) IN GENERAL.—With respect to eye-
24 glasses and contact lenses furnished to an indi-
25 vidual on or after January 1, 2022, subject to

1 subparagraph (B), payment may be made under
2 this part only—

3 “(i) during a 2-year period, for either
4 1 pair of eyeglasses (including lenses and
5 frames) or a 2-year supply that is provided
6 in not more than 180-day increments of
7 contact lenses;

8 “(ii) with respect to amounts attrib-
9 utable to the frames of such a pair of eye-
10 glasses and amounts attributable to con-
11 tact lenses furnished during a year, in an
12 amount not greater than—

13 “(I) for 2022, \$100; and

14 “(II) for a subsequent year, the
15 amount specified under this subpara-
16 graph for the previous year, increased
17 by the percentage change in the Con-
18 sumer Price Index for All Urban Con-
19 sumers during such previous year;

20 “(iii) for types of eyeglass lenses, and
21 for types of contact lenses, as determined
22 appropriate by the Secretary;

23 “(iv) if furnished pursuant to a writ-
24 ten order of a physician described in sec-
25 tion 1861(kkk); and

1 “(v) if during the 2-year period de-
2 scribed in clause (i), the individual did not
3 already receive (as described in subpara-
4 graph (B)) one pair of conventional eye-
5 glasses or contact lenses subsequent to a
6 cataract surgery with insertion of an intra-
7 ocular lens furnished during such period.

8 “(B) EXCEPTION.—With respect to a 2-
9 year period described in subparagraph (A)(i), in
10 the case of an individual who receives cataract
11 surgery with insertion of an intraocular lens,
12 notwithstanding subparagraph (A), payment
13 may be made under this part for one pair of
14 conventional eyeglasses or contact lenses fur-
15 nished subsequent to such cataract surgery dur-
16 ing such period.”.

17 (2) APPLICATION OF COMPETITIVE ACQUI-
18 TION.—

19 (A) IN GENERAL.—Section 1834(h)(1)(H)
20 of the Social Security Act (42 U.S.C.
21 1395m(h)(1)(H)) is amended—

22 (i) in the header by inserting “, EYE-
23 GLASSES, AND CONTACT LENSES” after
24 “ORTHOTICS”;

1 (ii) by inserting “and of eyeglasses
2 and contact lenses described in paragraph
3 (2)(D) of such section,” after “2009,” ;
4 and

5 (iii) in clause (i), by inserting “or
6 such eyeglasses and contact lenses” after
7 “orthotics”.

8 (B) CONFORMING AMENDMENT.—

9 (i) IN GENERAL.—Section 1847(a)(2)
10 of the Social Security Act (42 U.S.C.
11 1395w–3(a)(2)) is amended by adding at
12 the end the following new subparagraph:

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

17 (ii) EXEMPTION OF CERTAIN ITEMS
18 FROM COMPETITIVE ACQUISITION.—Sec-
19 tion 1847(a)(7) of the Social Security Act
20 (42 U.S.C. 1395w–3(a)(7)) is amended by
21 adding at the end the following new sub-
22 paragraph:

23 “(C) CERTAIN EYEGLASSES AND CONTACT
24 LENSES.—Those items and services described in
25 paragraph (2)(D) if furnished by a physician or

1 other practitioner (as defined by the Secretary)
2 to the physician’s or practitioner’s own patients
3 as part of the physician’s or practitioner’s pro-
4 fessional service.”.

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

8 (1) in paragraph (1)—

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

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

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

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

21 (2) in paragraph (7)—

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

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

5 **SEC. 3. IMPLEMENTATION FUNDING.**

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

