

## COMMITTEE PRINT

### Budget Reconciliation Legislative Recommendations for Subtitle E Relating to Medicare Dental, Hearing, and Vision Coverage

#### 1       **PART 4—MEDICARE DENTAL, HEARING, AND** 2    **VISION COVERAGE**

##### 3   **SEC. 134401. DENTAL AND ORAL HEALTH CARE.**

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

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

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

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

12                “(II) dental and oral health services (as defined  
13   in subsection (ll));”.

14       (b) **DENTAL AND ORAL HEALTH SERVICES DE-**  
15 **FINED.**—Section 1861 of the Social Security Act (42  
16 U.S.C. 1395x) is amended by adding at the end the fol-  
17   lowing new subsection:

18                “(lll) **DENTAL AND ORAL HEALTH SERVICES.**—

19                “(1) **IN GENERAL.**—The term ‘dental and oral  
20   health services’ means items and services (other

1 than such items and services for which payment may  
2 be made under part A as inpatient hospital services)  
3 that are furnished during 2028 or a subsequent  
4 year, for which coverage was not provided under  
5 part B as of the date of the enactment of this sub-  
6 section, and that are—

7 “(A) the preventive and screening services  
8 described in paragraph (2) furnished by a doc-  
9 tor of dental surgery or of dental medicine (as  
10 described in subsection (r)(2)) or an oral health  
11 professional (as defined in paragraph (4)); or

12 “(B) the basic treatments specified for  
13 such year by the Secretary pursuant to para-  
14 graph (3)(A) and the major treatments speci-  
15 fied for such year by the Secretary pursuant to  
16 paragraph (3)(B) furnished by such a doctor or  
17 such a professional.

18 “(2) PREVENTIVE AND SCREENING SERV-  
19 ICES.—The preventive and screening services de-  
20 scribed in this paragraph are the following:

21 “(A) Oral exams.

22 “(B) Dental cleanings.

23 “(C) Dental x-rays performed in the office  
24 of a doctor or professional described in para-  
25 graph (1)(A).

1 “(D) Fluoride treatments.

2 “(3) BASIC AND MAJOR TREATMENTS.—For  
3 2028 and each subsequent year, the Secretary shall  
4 specify—

5 “(A) basic treatments (which may include  
6 basic tooth restorations, basic periodontal serv-  
7 ices, tooth extractions, and oral disease man-  
8 agement services); and

9 “(B) major treatments (which may include  
10 major tooth restorations, major periodontal  
11 services, bridges, crowns, and root canals);

12 that shall be included as dental and oral health serv-  
13 ices for such year.

14 “(4) ORAL HEALTH PROFESSIONAL.—The term  
15 ‘oral health professional’ means, with respect to den-  
16 tal and oral health services, a health professional  
17 (other than a doctor of dental surgery or of dental  
18 medicine (as described in subsection (r)(2))) who is  
19 licensed to furnish such services, acting within the  
20 scope of such license, by the State in which such  
21 services are furnished.”.

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

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

1 (A) in subparagraph (N), by inserting  
2 “and dental and oral health services (as defined  
3 in section 1861(III))” after “section  
4 1861(hhh)(1)”;

5 (B) by striking “and” before “(DD)”; and

6 (C) by inserting before the semicolon at  
7 the end the following: “and (EE) with respect  
8 to dental and oral health services (as defined in  
9 section 1861(III)), the amount paid shall be the  
10 payment amount specified under section  
11 1834(z)”.

12 (2) PAYMENT AND LIMITS SPECIFIED.—Section  
13 1834 of the Social Security Act (42 U.S.C. 1395m)  
14 is amended by adding at the end the following new  
15 subsection:

16 “(z) PAYMENT AND LIMITS FOR DENTAL AND ORAL  
17 HEALTH SERVICES.—

18 “(1) IN GENERAL.—The payment amount  
19 under this part for dental and oral health services  
20 (as defined in section 1861(III)) shall be, subject to  
21 paragraph (3), the applicable percent (specified in  
22 paragraph (2)) of the lesser of—

23 “(A) the actual charge for the service; or

24 “(B) the amount determined under the  
25 payment basis determined under section 1848

1 for the service, or, in lieu of such amount, if de-  
2 termined appropriate by the Secretary, an  
3 amount specified by the Secretary for such  
4 service under a fee schedule determined appro-  
5 priate by the Secretary, taking into account fee  
6 schedules for such services—

7 “(i) under the TRICARE program  
8 under chapter 55 of title 10 of the United  
9 States Code;

10 “(ii) under the health insurance pro-  
11 gram under chapter 89 of title 5 of such  
12 Code;

13 “(iii) under State plans (or waivers of  
14 such plans) under title XIX;

15 “(iv) under Medicare Advantage plans  
16 under part C;

17 “(v) established by the Secretary of  
18 Veterans Affairs; and

19 “(vi) established by other health care  
20 payers.

21 “(2) APPLICABLE PERCENT.—For purposes of  
22 paragraph (1), the applicable percent specified in  
23 this paragraph is, with respect to dental and oral  
24 health services (as defined in section 1861(l)) fur-  
25 nished in a year—

1           “(A) that are preventive and screening  
2 services described in paragraph (2) or basic  
3 treatments specified for such year pursuant to  
4 paragraph (3)(A) of such section, 80 percent;  
5 and

6           “(B) that are major treatments specified  
7 for such year pursuant to paragraph (3)(B) of  
8 such section—

9                   “(i) in the case such services are fur-  
10 nished during 2028, 10 percent;

11                   “(ii) in the case such services are fur-  
12 nished during 2029 or a subsequent year  
13 before 2032, the applicable percent speci-  
14 fied under this subparagraph for the pre-  
15 vious year, increased by 10 percentage  
16 points; and

17                   “(iii) in the case such services are fur-  
18 nished during 2032 or a subsequent year,  
19 50 percent.

20           “(3) LIMITATIONS.—With respect to dental and  
21 oral health services that are—

22                   “(A) preventive and screening oral exams,  
23 payment may be made under this part for not  
24 more than two such exams during a 12-month  
25 period;

1           “(B) dental cleanings, payment may be  
2           made under this part for not more than two  
3           such cleanings during a 12-month period; and

4           “(C) not described in subparagraph (A) or  
5           (B), payment may be made under this part only  
6           at such frequencies and under such cir-  
7           cumstances determined appropriate by the Sec-  
8           retary.

9           “(4) USE OF BUNDLED PAYMENTS.—The Sec-  
10          retary may make payment for dentures and associ-  
11          ated professional services, and for any other dental  
12          and oral health services, as bundled payments as the  
13          Secretary determines appropriate.

14          “(5) LIMITATION ON JUDICIAL REVIEW.—There  
15          shall be no administrative or judicial review under  
16          section 1869 or otherwise of—

17                 “(A) the determination of payment  
18                 amounts under this subsection for dental and  
19                 oral health services and under subsection (h)(6)  
20                 or subsection (z)(4) for dentures;

21                 “(B) the determination of what services  
22                 are basic and major services under subpara-  
23                 graphs (A) and (B) of section 1861(III)(3); or

1           “(C) the determination of the frequency  
2           and circumstance limitations for dental and oral  
3           health services under paragraph (3)(C).”.

4           (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—

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

8           (2) EXCLUSION FROM MIPS.—Section  
9           1848(q)(1)(C)(ii) of the Social Security Act (42  
10          U.S.C. 1395w–4(q)(1)(C)(ii)) is amended—

11          (A) in subclause (II), by striking “or” at  
12          the end;

13          (B) in subclause (III), by striking the pe-  
14          riod at the end and inserting “; or”; and

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

17                               “(IV) with respect to 2028 and  
18                               each subsequent year, is a doctor of  
19                               dental surgery or of dental medicine  
20                               (as described in section 1861(r)(2)) or  
21                               is an oral health professional (as de-  
22                               fined in section 1861(III)(4)).”.

23          (3) INCLUSION OF ORAL HEALTH PROFES-  
24          SIONALS AS CERTAIN PRACTITIONERS.—Section  
25          1842(b)(18)(C) of the Social Security Act (42



1 U.S.C. 1395u(b)(18)(C)) is amended by adding at  
2 the end the following new clause:

3 “(vii) With respect to 2028 and each subse-  
4 quent year, an oral health professional (as defined in  
5 section 1861(l)(4)).”.

6 (e) DENTURES.—

7 (1) IN GENERAL.—Section 1861(s)(8) of the  
8 Social Security Act (42 U.S.C. 1395x(s)(8)) is  
9 amended—

10 (A) by striking “(other than dental)”; and

11 (B) by inserting “and excluding dental, ex-  
12 cept for a full or partial set of dentures (as de-  
13 scribed in section 1834(h)(6)) furnished on or  
14 after January 1, 2028” after “colostomy care”.

15 (2) SPECIAL PAYMENT RULES.—

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

20 “(6) SPECIAL PAYMENT RULE FOR DEN-  
21 TURES.—Payment may be made under this part  
22 with respect to an individual for dentures—

23 “(A) not more than once during any 5-year  
24 period (except in the case that a doctor de-

1 scribed in section 1861(III)(1)(A) determines  
2 such dentures do not fit the individual); and

3 “(B) only to the extent that such dentures  
4 are furnished pursuant to a written order of  
5 such a doctor or professional.”.

6 (B) APPLICATION OF COMPETITIVE ACQUI-  
7 SITION.—

8 (i) IN GENERAL.—Section  
9 1834(h)(1)(H) of the Social Security Act  
10 (42 U.S.C. 1395m(h)(1)(H)) is amended—

11 (I) in the subparagraph heading,  
12 by inserting “, DENTURES” after  
13 “ORTHOTICS”;

14 (II) by inserting “, of dentures  
15 described in paragraph (2)(D) of such  
16 section,” after “2011,”; and

17 (III) in clause (i), by inserting “,  
18 such dentures” after “orthotics”.

19 (ii) CONFORMING AMENDMENT.—Sec-  
20 tion 1847(a)(2) of the Social Security Act  
21 (42 U.S.C. 1395w-3(a)(2)) is amended by  
22 adding at the end the following new sub-  
23 paragraph:

1           “(D) DENTURES.—Dentures described in  
2 section 1861(s)(8) for which payment would  
3 otherwise be made under section 1834(h).”.

4           (iii) EXEMPTION OF CERTAIN ITEMS  
5 FROM COMPETITIVE ACQUISITION.—Sec-  
6 tion 1847(a)(7) of the Social Security Act  
7 (42 U.S.C. 1395w–3(a)(7)) is amended by  
8 adding at the end the following new sub-  
9 paragraph:

10           “(C) CERTAIN DENTURES.—Those items  
11 and services described in paragraph (2)(D) if  
12 furnished by a physician or other practitioner  
13 (as defined by the Secretary) to the physician’s  
14 or practitioner’s own patients as part of the  
15 physician’s or practitioner’s professional serv-  
16 ice.”.

17           (f) EXCLUSION MODIFICATIONS.—Section 1862(a) of  
18 the Social Security Act (42 U.S.C. 1395y(a)) is amend-  
19 ed—

20           (1) in paragraph (1)—

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

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

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

3 “(Q) in the case of dental and oral health serv-  
4 ices (as defined in section 1861(l)) that are preven-  
5 tive and screening services described in paragraph  
6 (2) of such section, which are furnished more fre-  
7 quently than provided under section 1834(z)(3) or  
8 under circumstances other than circumstances deter-  
9 mined appropriate under subparagraph (C) of such  
10 section;”; and

11 (2) in paragraph (12), by inserting before the  
12 semicolon at the end the following: “and except that  
13 payment may be made under part B for dental and  
14 oral health services that are covered under section  
15 1861(s)(2)(II) and for dentures under section  
16 1861(s)(8)”.

17 (g) CERTAIN NON-APPLICATION.—

18 (1) IN GENERAL.—Paragraphs (1) and (4) of  
19 section 1839(a) of the Social Security Act (42  
20 U.S.C. 1395r(a)) are amended by adding at the end  
21 of each such paragraphs the following: “In applying  
22 this paragraph there shall not be taken into account  
23 benefits and administrative costs attributable to the  
24 amendments made by section 134401 (other than  
25 subsection (g)) of An Act to provide for reconcili-

1           ation pursuant to title II of S. Con. Res. 14 and the  
2           Government contribution under section 1844(a)(5)”.

3           (2) PAYMENT.—Section 1844(a) of such Act  
4           (42 U.S.C. 1395w(a)) is amended—

5                   (A) in paragraph (4), by striking the pe-  
6                   riod at the end and inserting “; plus”;

7                   (B) by adding at the end the following new  
8                   paragraph:

9                   “(5) a Government contribution equal to the  
10                  amount that is estimated to be payable for benefits  
11                  and related administrative costs incurred that are  
12                  attributable to the amendments made by section  
13                  134401 (other than subsection (g)) of the An Act to  
14                  provide for reconciliation pursuant to title II of S.  
15                  Con. Res. 14.”; and

16                   (C) in the flush matter at the end, by  
17                   striking “paragraph (4)” and inserting “para-  
18                   graphs (4) and (5)”.

19           (h) IMPLEMENTATION.—

20           (1) FUNDING.—

21                   (A) IN GENERAL.—In addition to amounts  
22                   otherwise available, the Secretary of Health and  
23                   Human Services (in this subsection referred to  
24                   as the “Secretary”) shall provide for the trans-  
25                   fer from the Federal Supplementary Medical

1 Insurance Trust Fund under section 1841 of  
2 the Social Security Act (42 U.S.C. 1395t) to  
3 the Centers for Medicare & Medicaid Services  
4 Program Management Account of—

5 (i) \$20,000,000 for each of fiscal  
6 years 2022 through 2028 for purposes of  
7 implementing the amendments made by  
8 this section; and

9 (ii) such sums as determined appro-  
10 priate by the Secretary for each subse-  
11 quent fiscal year for purposes of admin-  
12 istering the provisions of such amend-  
13 ments.

14 (B) AVAILABILITY AND ADDITIONAL USE  
15 OF FUNDS.—Funds transferred pursuant to  
16 subparagraph (A) shall remain available until  
17 expended and may be used, in addition to the  
18 purpose specified in subparagraph (A)(i), to im-  
19 plement the amendments made by sections  
20 134402 and 134403.

21 (2) ADMINISTRATION.—Notwithstanding any  
22 other provision of law, the Secretary may implement,  
23 by program instruction or otherwise, any of the pro-  
24 visions of, or amendments made by, this section.

1           (3) PAPERWORK REDUCTION ACT.—Chapter 35  
2 of title 44, United States Code, shall not apply to  
3 the provisions of, or the amendments made by, this  
4 section.

5 **SEC. 134402. PROVIDING COVERAGE FOR HEARING CARE**  
6 **UNDER THE MEDICARE PROGRAM.**

7           (a) PROVISION OF AURAL REHABILITATION AND  
8 TREATMENT SERVICES BY QUALIFIED AUDIOLOGISTS.—  
9 Section 1861(l)(3) of the Social Security Act (42 U.S.C.  
10 1395x(l)(3)) is amended by inserting “(and, beginning  
11 October 1, 2023, such aural rehabilitation and treatment  
12 services)” after “assessment services”.

13           (b) COVERAGE OF HEARING AIDS.—

14           (1) INCLUSION OF HEARING AIDS AS PROS-  
15 THETIC DEVICES.—Section 1861(s)(8) of the Social  
16 Security Act (42 U.S.C. 1395x(s)(8)) is amended by  
17 inserting “, and including hearing aids (as described  
18 in section 1834(h)(7)) furnished on or after October  
19 1, 2023, to individuals diagnosed with profound or  
20 severe hearing loss” before the semicolon at the end.

21           (2) PAYMENT LIMITATIONS FOR HEARING  
22 AIDS.—Section 1834(h) of the Social Security Act  
23 (42 U.S.C. 1395m(h)), as amended by section  
24 134401(e)(2)(A), is further amended by adding at  
25 the end the following new paragraph:

1 “(7) LIMITATIONS FOR HEARING AIDS.—

2 “(A) IN GENERAL.—Payment may be  
3 made under this part with respect to an indi-  
4 vidual, with respect to hearing aids furnished  
5 on or after October 1, 2023—

6 “(i) not more than once during a 5-  
7 year period;

8 “(ii) only for types of such hearing  
9 aids that are not over-the-counter hearing  
10 aids (as defined in section 520(q)(1) of the  
11 Federal Food, Drug, and Cosmetic Act)  
12 and that are determined appropriate by  
13 the Secretary; and

14 “(iii) only if furnished pursuant to a  
15 written order of a physician or qualified  
16 audiologist (as defined in section  
17 1861(ll)(4)(B)).

18 “(B) LIMITATION ON JUDICIAL REVIEW.—  
19 There shall be no administrative or judicial re-  
20 view under section 1869 or otherwise of—

21 “(i) the determination of the types of  
22 hearing aids paid for under subparagraph  
23 (A)(ii); or



1                   “(ii) the determination of fee schedule  
2                   rates for hearing aids described in this  
3                   paragraph.”.

4                   (3) APPLICATION OF COMPETITIVE ACQUISITION.—  
5

6                   (A) IN GENERAL.—Section 1834(h)(1)(H)  
7                   of the Social Security Act (42 U.S.C.  
8                   1395m(h)(1)(H)), as amended by section  
9                   134401(e)(2)(B)(i), is further amended—

10                   (i) in the header, by inserting “,  
11                   HEARING AIDS” after “DENTURES”;

12                   (ii) by inserting “, of hearing aids de-  
13                   scribed in paragraph (2)(E) of such sec-  
14                   tion,” after “paragraph (2)(D) of such sec-  
15                   tion”; and

16                   (iii) in clause (i), by inserting “, such  
17                   hearing aids” after “such dentures”.

18                   (B) CONFORMING AMENDMENT.—

19                   (i) IN GENERAL.—Section 1847(a)(2)  
20                   of the Social Security Act (42 U.S.C.  
21                   1395w-3(a)(2)), as amended by section  
22                   134401(e)(2)(B)(ii), is further amended by  
23                   adding at the end the following new sub-  
24                   paragraph:

1                   “(E) HEARING AIDS.—Hearing aids de-  
2                   scribed in section 1861(s)(8) for which payment  
3                   would otherwise be made under section  
4                   1834(h).”.

5                   (ii) EXEMPTION OF CERTAIN ITEMS  
6                   FROM COMPETITIVE ACQUISITION.—Sec-  
7                   tion 1847(a)(7) of the Social Security Act  
8                   (42 U.S.C. 1395w–3(a)(7)), as amended  
9                   by section 134401(e)(2)(B)(iii), is further  
10                  amended by adding at the end the fol-  
11                  lowing new subparagraph:

12                 “(D) CERTAIN HEARING AIDS.—Those  
13                 items and services described in paragraph  
14                 (2)(E) if furnished by a physician or other  
15                 practitioner (as defined by the Secretary) to the  
16                 physician’s or practitioner’s own patients as  
17                 part of the physician’s or practitioner’s profes-  
18                 sional service.”.

19                 (4) INCLUSION OF AUDIOLOGISTS AS CERTAIN  
20                 PRACTITIONERS TO RECEIVE PAYMENT ON AN AS-  
21                 SIGNMENT-RELATED                                   BASIS.—Section  
22                 1842(b)(18)(C) of the Social Security Act (42  
23                 U.S.C. 1395u(b)(18)(C)), as amended by section  
24                 134401(d)(4), is further amended by adding at the  
25                 end the following new clause:

1 “(viii) Beginning October 1, 2023, a  
2 qualified audiologist (as defined in section  
3 1861(l)(4)(B)).”.

4 (c) EXCLUSION MODIFICATION.—Section 1862(a)(7)  
5 of the Social Security Act (42 U.S.C. 1395y(a)(7)) is  
6 amended by inserting “(except such hearing aids or exami-  
7 nations therefor as described in and otherwise allowed  
8 under section 1861(s)(8))” after “hearing aids or exami-  
9 nations therefor”.

10 (d) CERTAIN NON-APPLICATION.—

11 (1) IN GENERAL.—The last sentence of section  
12 1839(a)(1) of the Social Security Act (42 U.S.C.  
13 1395r(a)(1)), as added by section 134401(g)(1), is  
14 amended by striking “section 134401 (other than  
15 subsection (g))” and inserting “sections 134401  
16 (other than subsection (g)), 134402 (other than sub-  
17 section (d))”.

18 (2) PAYMENT.—Paragraph (4) of section  
19 1844(a) of such Act (42 U.S.C. 1395w(a)), as added  
20 by section 134401(g)(2), is amended by striking  
21 “section 134401 (other than subsection (g))” and  
22 inserting “sections 134401 (other than subsection  
23 (g)), 134402 (other than subsection (d))”.

24 (e) IMPLEMENTATION.—

25 (1) FUNDING.—

1 (A) IN GENERAL.—In addition to amounts  
2 otherwise available, the Secretary of Health and  
3 Human Services (in this subsection referred to  
4 as the “Secretary”) shall provide for the trans-  
5 fer from the Federal Supplementary Medical  
6 Insurance Trust Fund under section 1841 of  
7 the Social Security Act (42 U.S.C. 1395t) to  
8 the Centers for Medicare & Medicaid Services  
9 Program Management Account of—

10 (i) \$20,000,000 for each of fiscal  
11 years 2022 through 2023 for purposes of  
12 implementing the amendments made by  
13 this section; and

14 (ii) such sums as determined appro-  
15 priate by the Secretary for each subse-  
16 quent fiscal year for purposes of admin-  
17 istering the provisions of such amend-  
18 ments.

19 (B) AVAILABILITY AND ADDITIONAL USE  
20 OF FUNDS.—Funds transferred pursuant to  
21 subparagraph (A) shall remain available until  
22 expended and may be used, in addition to the  
23 purpose specified in subparagraph (A)(i), to im-  
24 plement the amendments made by sections  
25 134401 and 134403.

1           (2) ADMINISTRATION.—Notwithstanding any  
2 other provision of law, the Secretary may implement,  
3 by program instruction or otherwise, any of the pro-  
4 visions of, or amendments made by, this section.

5           (3) PAPERWORK REDUCTION ACT.—Chapter 35  
6 of title 44, United States Code, shall not apply to  
7 the provisions of, or the amendments made by, this  
8 section.

9 **SEC. 134403. PROVIDING COVERAGE FOR VISION CARE**  
10 **UNDER THE MEDICARE PROGRAM.**

11       (a) COVERAGE.—Section 1861(s)(2) of the Social Se-  
12 curity Act (42 U.S.C. 1395x(s)(2)), as amended by section  
13 134401(a), is further amended—

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

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

18           (3) by adding at the end the following new sub-  
19 paragraph:

20           “(JJ) vision services (as defined in subsection  
21 (mmm));”.

22       (b) VISION SERVICES DEFINED.—Section 1861 of  
23 the Social Security Act (42 U.S.C. 1395x), as amended  
24 by section 134401(b), is further amended by adding at  
25 the end the following new subsection:

1           “(mmm) VISION SERVICES.—The term ‘vision serv-  
2 ices’ 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 October 1, 2022, by or under the  
8 direct supervision of an ophthalmologist or optometrist  
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 LIMITATIONS.—Section 1834 of the  
15 Social Security Act (42 U.S.C. 1395m), as amended by  
16 section 134401(c)(2), is further amended by adding at the  
17 end the following new subsection:

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

1 (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—  
2 Section 1848(j)(3) of the Social Security Act (42 U.S.C.  
3 1395w-4(j)(3)), as amended by section 134401(d)(1), is  
4 further amended by inserting “(2)(JJ),” before “(3)”.

5 (e) COVERAGE OF CONVENTIONAL EYEGLASSES AND  
6 CONTACT LENSES.—

7 (1) IN GENERAL.—Section 1861(s)(8) of the  
8 Social Security Act (42 U.S.C. 1395x(s)(8)), as  
9 amended by section 134402(b)(1), is further amend-  
10 ed by striking “, and including one pair of conven-  
11 tional eyeglasses or contact lenses furnished subse-  
12 quent to each cataract surgery with insertion of an  
13 intraocular lens” and inserting “, including one pair  
14 of conventional eyeglasses or contact lenses fur-  
15 nished subsequent to each cataract surgery with in-  
16 sersion of an intraocular lens, if furnished before Oc-  
17 tober 1, 2022, and including conventional eyeglasses  
18 or contact lenses (as described in section  
19 1834(h)(8)), whether or not furnished subsequent to  
20 such a surgery, if furnished on or after October 1,  
21 2022”.

22 (2) CONFORMING AMENDMENT.—Section  
23 1842(b)(11)(A) of the Social Security Act (42  
24 U.S.C. 1395u(b)(11)(A)) is amended by inserting

1 “furnished prior to October 1, 2022,” after “relating  
2 to them,”.

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

5 (1) LIMITATIONS.—Section 1834(h) of the So-  
6 cial Security Act (42 U.S.C. 1395m(h)), as amended  
7 by section 134401(e)(2)(A) and section  
8 134402(b)(2), is further amended by adding at the  
9 end the following new paragraph:

10 “(8) PAYMENT LIMITATIONS FOR EYEGLASSES  
11 AND CONTACT LENSES.—

12 “(A) IN GENERAL.—With respect to eye-  
13 glasses and contact lenses furnished to an indi-  
14 vidual on or after October 1, 2022, subject to  
15 subparagraph (B), payment may be made under  
16 this part only—

17 “(i) during a 2-year period, for either  
18 1 pair of eyeglasses (including lenses and  
19 frames) or not more than a 2-year supply  
20 of contact lenses;

21 “(ii) with respect to amounts attrib-  
22 utable to the lenses and frames of such a  
23 pair of eyeglasses or amounts attributable  
24 to such a 2-year supply of contact lenses,  
25 in an amount not greater than—



1                   “(I) for a pair of eyeglasses fur-  
2                   nished in, or a 2-year supply of con-  
3                   tact lenses beginning in, 2022—

4                   “(aa) \$85 for the lenses of  
5                   such pair of eyeglasses and \$85  
6                   for the frames of such pair of  
7                   eyeglasses; or

8                   “(bb) \$85 for such 2-year  
9                   supply of contact lenses; and

10                  “(II) for the lenses and frames of  
11                  a pair of eyeglasses furnished in, or a  
12                  2-year supply of contact lenses begin-  
13                  ning in, a subsequent year, the dollar  
14                  amounts specified under this subpara-  
15                  graph for the previous year, increased  
16                  by the percentage change in the con-  
17                  sumer price index for all urban con-  
18                  sumers (United States city average)  
19                  for the 12-month period ending with  
20                  June of the previous year;

21                  “(iii) if furnished pursuant to a writ-  
22                  ten order of a physician described in sec-  
23                  tion 1861(III); and

24                  “(iv) if during the 2-year period de-  
25                  scribed in clause (i), the individual did not

1 already receive (as described in subpara-  
2 graph (B)) one pair of conventional eye-  
3 glasses or contact lenses subsequent to a  
4 cataract surgery with insertion of an intra-  
5 ocular lens furnished during such period.

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

15 “(C) LIMITATION ON JUDICIAL REVIEW.—  
16 There shall be no administrative or judicial re-  
17 view under section 1869 or otherwise of—

18 “(i) the determination of the types of  
19 eyeglasses and contact lenses covered  
20 under this paragraph; or

21 “(ii) the determination of fee schedule  
22 rates under this subsection for eyeglasses  
23 and contact lenses.”.

24 (2) APPLICATION OF COMPETITIVE ACQUISI-  
25 TION.—

1 (A) IN GENERAL.—Section 1834(h)(1)(H)  
2 of the Social Security Act (42 U.S.C.  
3 1395m(h)(1)(H)), as amended by section  
4 134401(e)(2)(B)(i) and section  
5 134402(b)(3)(A), is further amended—

6 (i) in the header by inserting “, EYE-  
7 GLASSES, AND CONTACT LENSES” after  
8 “HEARING AIDS”;

9 (ii) by inserting “and of eyeglasses  
10 and contact lenses described in paragraph  
11 (2)(F) of such section,” after “paragraph  
12 (2)(E) of such section,”; and

13 (iii) in clause (i), by inserting “, or  
14 such eyeglasses and contact lenses” after  
15 “such hearing aids”.

16 (B) CONFORMING AMENDMENT.—

17 (i) IN GENERAL.—Section 1847(a)(2)  
18 of the Social Security Act (42 U.S.C.  
19 1395w–3(a)(2)), as amended by section  
20 134401(e)(2)(B)(ii) and section  
21 134402(b)(3)(B)(i), is further amended by  
22 adding at the end the following new sub-  
23 paragraph:

24 “(F) EYEGLASSES AND CONTACT  
25 LENSES.—Eyeglasses and contact lenses de-

1           scribed in section 1861(s)(8) for which payment  
2           would otherwise be made under section  
3           1834(h).”.

4                   (ii) EXEMPTION OF CERTAIN ITEMS  
5                   FROM COMPETITIVE ACQUISITION.—Sec-  
6                   tion 1847(a)(7) of the Social Security Act  
7                   (42 U.S.C. 1395w-3(a)(7)), as amended  
8                   by section 134401(e)(2)(B)(iii) and section  
9                   134402(b)(3)(B)(ii), is further amended by  
10                  adding at the end the following new sub-  
11                  paragraph:

12                   “(E) CERTAIN EYEGLASSES AND CONTACT  
13                   LENSES.—Those items and services described in  
14                   paragraph (2)(F) if furnished by a physician or  
15                   other practitioner (as defined by the Secretary)  
16                   to the physician’s or practitioner’s own patients  
17                   as part of the physician’s or practitioner’s pro-  
18                   fessional service.”.

19                  (g) EXCLUSION MODIFICATIONS.—Section 1862(a)  
20                  of the Social Security Act (42 U.S.C. 1395y(a)), as  
21                  amended by section 134401(f), is further amended—

22                   (1) in paragraph (1)—

23                   (A) in subparagraph (P), by striking  
24                   “and” at the end;

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

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

5 “(R) in the case of vision services (as defined  
6 in section 1861(mmm)) that are routine eye exami-  
7 nations and contact lens fitting services (as de-  
8 scribed in paragraph (1) or (2), respectively, of such  
9 section), which are furnished more frequently than  
10 once during a 2-year period;”;

11 (2) in paragraph (7)—

12 (A) by inserting “(other than such an ex-  
13 amination that is a vision service that is cov-  
14 ered under section 1861(s)(2)(JJ))” after “eye  
15 examinations”;

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

20 (h) CERTAIN NON-APPLICATION.—

21 (1) IN GENERAL.—The last sentence of section  
22 1839(a)(1) of the Social Security Act (42 U.S.C.  
23 1395r(a)(1)), as added by section 134401(g)(1) and  
24 amended by section 134402(d)(1), is further amend-  
25 ed by inserting “, and 134403 (other than sub-

1 section (h))” after “134402 (other than subsection  
2 (d))”.

3 (2) PAYMENT.—Paragraph (4) of section  
4 1844(a) of such Act (42 U.S.C. 1395w(a)), as added  
5 by section 134401(g)(2) and amended by section  
6 134402(d)(2), is further amended by inserting “,  
7 and 134403 (other than subsection (h))” after  
8 “134402 (other than subsection (d))”.

9 (i) IMPLEMENTATION.—

10 (1) FUNDING.—

11 (A) IN GENERAL.—In addition to amounts  
12 otherwise available, the Secretary of Health and  
13 Human Services (in this subsection referred to  
14 as the “Secretary”) shall provide for the trans-  
15 fer from the Federal Supplementary Medical  
16 Insurance Trust Fund under section 1841 of  
17 the Social Security Act (42 U.S.C. 1395t) to  
18 the Centers for Medicare & Medicaid Services  
19 Program Management Account of—

20 (i) \$20,000,000 for each of fiscal  
21 years 2022 and 2023 for purposes of im-  
22 plementing the amendments made by this  
23 section; and

24 (ii) such sums as determined appro-  
25 priate by the Secretary for each subse-

1                   quent fiscal year for purposes of admin-  
2                   istering the provisions of such amend-  
3                   ments.

4                   (B) AVAILABILITY AND ADDITIONAL USE  
5                   OF FUNDS.—Funds transferred pursuant to  
6                   subparagraph (A) shall remain available until  
7                   expended and may be used, in addition to the  
8                   purpose specified in subparagraph (A)(i), to im-  
9                   plement the amendments made by sections  
10                  134401 and 134402.

11                  (2) ADMINISTRATION.—Notwithstanding any  
12                  other provision of law, the Secretary may implement,  
13                  by program instruction or otherwise, any of the pro-  
14                  visions of, or amendments made by, this section.

15                  (3) PAPERWORK REDUCTION ACT.—Chapter 35  
16                  of title 44, United States Code, shall not apply to  
17                  the provisions of, or the amendments made by, this  
18                  section.

