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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend title XI of the Social Security Act to require the Inspector General of the Department of Health and Human Services to review a safe harbor under the anti-kickback statute for certain contingency management interventions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ESTES introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title XI of the Social Security Act to require the Inspector General of the Department of Health and Human Services to review a safe harbor under the anti-kickback statute for certain contingency management interventions, and for other purposes.

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 “Fighting Substance
5 Use Addiction Act”.

1 **SEC. 2. REVIEW OF SAFE HARBOR UNDER THE ANTI-KICK-**
2 **BACK STATUTE FOR CERTAIN CONTINGENCY**
3 **MANAGEMENT INTERVENTIONS.**

4 (a) IN GENERAL.—Section 1128D(a) of the Social
5 Security Act (42 U.S.C. 1320a–7d(a)) is amended by add-
6 ing at the end the following new paragraph:

7 “(3) REVIEW OF SAFE HARBOR FOR CERTAIN
8 CONTINGENCY MANAGEMENT INTERVENTIONS.—

9 “(A) IN GENERAL.—Pursuant to the final
10 rule titled ‘Medicare and State Health Care
11 Programs: Fraud and Abuse; Revisions to Safe
12 Harbors Under the Anti-Kickback Statute, and
13 Civil Monetary Penalty Rules Regarding Bene-
14 ficiary Inducements’ and published in the Fed-
15 eral Register on December 2, 2020 (85 Fed.
16 Reg. 77684), not later than one year after the
17 date of the enactment of this paragraph, the In-
18 spector General of the Department of Health
19 and Human Services shall conduct a review on
20 whether to establish a safe harbor described in
21 paragraph (1)(A)(ii) for evidence-based contin-
22 gency management incentives and the param-
23 eters for such a safe harbor. In conducting the
24 review under the previous sentence, the Sec-
25 retary shall consider the extent to which pro-
26 viding such a safe harbor for evidence-based

1 contingency management incentives may result
2 in any of the factors described in paragraph
3 (2).

4 “(i) REPORT.—Not later than two years
5 after the date of the enactment of this para-
6 graph, the Secretary and the Inspector General
7 of the Department of Health and Human Serv-
8 ices shall submit to Congress recommendations,
9 including based on the review conducted under
10 subparagraph (A), for improving access to evi-
11 dence-based contingency management interven-
12 tions while ensuring quality of care, ensuring fi-
13 delity to evidence-based practices, and including
14 strong program integrity safeguards that pre-
15 vent increased waste, fraud, and abuse and pre-
16 vent medically unnecessary or inappropriate
17 items or services reimbursed in whole or in part
18 by a Federal health care program.”.