

Sept 13, 2018

Senate Prepares to Pass Major Opioids Package

The Senate has delayed a vote on a major package of legislation, the Opioid Crisis Response Act of 2018, while it continues to hammer out the details of its 300-plus-page bill. The legislation is overwhelmingly expected to pass — Republicans leaders are hoping to secure a major achievement before heading home for the midterm elections, and the bill has enjoyed bipartisan support throughout the Senate’s committee process.

If the Senate passes its bill, congressional leaders plan to merge it with a similar bill passed earlier this year in the House. Lawmakers will need to resolve the difference between the bills before passage, including a number of provisions related to Medicaid and fiscal offsets for new spending.

Comparison of select provisions in the House and Senate opioid packages

	PROVISION	HOUSE BILL	SENATE BILL
MEDICARE AND DRUG PROVISIONS	Changes provider reimbursements to incentivize the use of non-opioid drugs for post-surgical pain	✓	✗
	Requires CMS to test a bundled payment model to expand Medicare coverage for opioid treatment programs	✓	✓
	Improves providers’ ability to prescribe medication-assisted therapy drugs by expanding physician authorization	✓	✓
	Establishes grant programs to incentivize hospitals and emergency departments to use opioid alternatives	✓	✓
	Provides the National Institutes of Health authority to direct more funding toward opioid alternative research	✓	✓
	Allows CMS to waive limits on telemedicine reimbursement for substance abuse and related mental health disorders	✓	✗
	Mandates electronic prescribing in Medicare Part D for controlled substance prescriptions	✓	✓
	Requires Part D plans to establish drug management programs for beneficiaries with substance abuse risk	✓	✗
	Establishes a demonstration initiative to encourage providers to use certified e-health records	✓	✓
MEDICAID PROVISIONS	Allows Medicaid to pay for opioid-related residential treatment at large facilities by removing the IMD exclusion	✓	✗
	Requires Medicaid and Medicaid managed care plans to implement safety limits for opioid prescriptions and refills	✓	✗
	Establishes a demonstration program to expand provider capacity for substance abuse treatment	✓	✗
	Ensures CHIP coverage for substance abuse disorder services for children and pregnant women	✓	✗
	Extend 90 percent federal Medicaid match for “health homes” that treat opioid addiction	✓	✗
OFFSETS	Increase number of months employer-sponsored plans must cover end-stage renal disease services before Medicare coverage begins	✓	✗
	Require employer group plans to report prescription drug coverage to determine primary payer situations in Medicare	✓	✗
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Source: Senate Rules Committee; Capital Alpha Partners

By Tucker Doherty, POLITICO Pro DataPoint

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