

117TH CONGRESS
1ST SESSION

H. R. 3441

To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions to help combat the substance use disorder crisis.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mr. SCHNEIDER (for himself, Mr. MCKINLEY, and Ms. KUSTER) 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

A BILL

To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions to help combat the substance use disorder 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 “Substance Use Dis-
5 order Workforce Act”.

1 **SEC. 2. DISTRIBUTION OF ADDITIONAL RESIDENCY POSI-**
2 **TIONS TO HELP COMBAT SUBSTANCE USE**
3 **DISORDER CRISIS.**

4 (a) IN GENERAL.—Section 1886(h) of the Social Se-
5 curity Act (42 U.S.C. 1395ww(h)) is amended—

6 (1) in paragraph (4)(F)(i), by striking “para-
7 graphs (7), (8), and (9)” and inserting “paragraphs
8 (7), (8), (9), and (10)”;

9 (2) in paragraph (4)(H)(i), by striking “para-
10 graphs (7), (8), and (9)” and inserting “paragraphs
11 (7), (8), (9), and (10)”;

12 (3) in paragraph (7)(E), by striking “para-
13 graph (8)” and all that follows through “clause (i)”
14 and inserting “paragraph (8), paragraph (9), para-
15 graph (10), clause (i)”;

16 (4) by adding at the end the following new
17 paragraph:

18 “(10) DISTRIBUTION OF ADDITIONAL RESI-
19 DENCY POSITIONS TO HELP COMBAT SUBSTANCE
20 USE DISORDER CRISIS.—

21 “(A) ADDITIONAL RESIDENCY POSI-
22 TIONS.—During the period of fiscal years 2024
23 through 2028 (and succeeding fiscal years if the
24 Secretary determines that there are additional
25 full-time-equivalent residency positions available
26 to distribute under subparagraph (D)), the Sec-

1 retary shall distribute additional full-time-equiv-
2 alent residency positions to increase the other-
3 wise applicable resident limit for each qualifying
4 hospital that submits a timely application under
5 this paragraph by such number as the Sec-
6 retary may approve, effective beginning July 1
7 of the fiscal year of the increase. The aggregate
8 number of additional full-time-equivalent resi-
9 dency positions available for distribution under
10 this paragraph shall be equal to 500 in fiscal
11 year 2024 and 500 over the period of fiscal
12 years 2025 through 2028, distributed in accord-
13 ance with the succeeding subparagraphs of this
14 paragraph.

15 “(B) DISTRIBUTION FOR FISCAL YEAR
16 2024.—

17 “(i) IN GENERAL.—For fiscal year
18 2024, the positions available for distribu-
19 tion for such fiscal year (as described in
20 subparagraph (A)) may only be distributed
21 to hospitals that have established (as of
22 the date of the enactment of this para-
23 graph) approved programs in addiction
24 medicine, addiction psychiatry, or pain
25 medicine, as determined by the Secretary.

1 “(ii) CONSIDERATIONS IN DISTRIBUTION.—The Secretary shall distribute additional residency positions under this subparagraph based on the demonstrated likelihood, as determined by the Secretary, of the hospital filling such positions within the first 4 training years (as specified by the Secretary) after the increase would be effective.

10 “(iii) REQUIREMENTS.—A hospital that receives an increase in the otherwise applicable resident limit under this subparagraph shall ensure, during the 5-year period beginning after the date of such increase, that the hospital uses the positions made available under this subparagraph for a program described in clause (i) or a program that is a prerequisite (as determined by the Secretary) for such a program so described, such as internal medicine. The Secretary may determine whether a hospital has met the requirements under this clause during such 5-year period in such manner and at such time as

1 the Secretary determines appropriate, in-
2 cluding at the end of such 5-year period.

3 “(iv) REDISTRIBUTION OF POSITIONS
4 IF HOSPITAL NO LONGER MEETS CERTAIN
5 REQUIREMENTS.—In the case in which the
6 Secretary determines that a hospital de-
7 scribed in clause (iii) does not meet the re-
8 quirements of such clause, the Secretary
9 shall—

10 “(I) reduce the otherwise applica-
11 ble resident limit of the hospital by
12 the amount by which such limit was
13 increased under this subparagraph;
14 and

15 “(II) provide for the distribution
16 of positions attributable to such re-
17 duction in accordance with the re-
18 quirements of this paragraph.

19 “(v) POSITIONS NOT DISTRIBUTED
20 DURING FISCAL YEAR 2024.—If the number
21 of full-time-equivalent residency positions
22 distributed under this subparagraph is less
23 than the aggregate number of positions
24 available for distribution for fiscal year
25 2024 (as described in subparagraph (A)),

1 the difference between such number dis-
2 tributed and such number available for dis-
3 tribution shall be added to the aggregate
4 number of positions available for distribu-
5 tion under subparagraph (C).

6 “(C) DISTRIBUTION FOR FISCAL YEARS
7 2025 THROUGH 2028.—

8 “(i) IN GENERAL.—For the period of
9 fiscal years 2025 through 2028, the posi-
10 tions available for distribution for such pe-
11 riod (as described in subparagraph (A)),
12 and any positions made available pursuant
13 to subparagraph (B)(v), shall be distrib-
14 uted to hospitals which demonstrate to the
15 Secretary that the hospital has established
16 or will establish an approved residency
17 training program in addiction medicine,
18 addiction psychiatry, or pain medicine.

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 within
24 the first 4 training years (as specified by
25

1 the Secretary) after the increase would be
2 effective.

3 “(iii) REQUIREMENTS.—A hospital
4 that receives an increase in the otherwise
5 applicable resident limit under this sub-
6 paragraph shall ensure, during the 5-year
7 period beginning after the date of such in-
8 crease, that the hospital uses the positions
9 made available under this subparagraph
10 for a program described in clause (i) or a
11 program that is a prerequisite (as deter-
12 mined by the Secretary) for such a pro-
13 gram so described, such as internal medi-
14 cine. The Secretary may determine wheth-
15 er a hospital has met the requirements
16 under this clause during such 5-year pe-
17 riod in such manner and at such time as
18 the Secretary determines appropriate, in-
19 cluding at the end of such 5-year period.

20 “(iv) REDISTRIBUTION OF POSITIONS
21 IF HOSPITAL NO LONGER MEETS CERTAIN
22 REQUIREMENTS.—In the case where the
23 Secretary determines that a hospital de-
24 scribed in clause (iii) does not meet the re-

1 quirements of such clause, the Secretary
2 shall—

3 “(I) reduce the otherwise applica-
4 ble resident limit of the hospital by
5 the amount by which such limit was
6 increased under this subparagraph;
7 and

8 “(II) provide for the distribution
9 of positions attributable to such re-
10 duction in accordance with the re-
11 quirements of this paragraph.

12 “(D) DISTRIBUTION OF REMAINING POSI-
13 TIONS.—If the aggregate number of positions
14 distributed under subparagraphs (B) and (C)
15 during the period of fiscal years 2024 through
16 2028 is less than 1,000, the Secretary shall dis-
17 tribute the remaining residency positions in suc-
18 ceeding fiscal years according to criteria con-
19 sistent with this paragraph until such time as
20 the aggregate amount of positions distributed
21 under this paragraph is equal to 1,000.

22 “(E) LIMITATION.—An individual hospital
23 may not receive more than 25 full-time-equiva-
24 lent 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 beginning July 1 of that fiscal year.

8 “(G) APPLICATION OF PER RESIDENT
9 AMOUNTS FOR PRIMARY CARE AND NONPRI-
10 MARY CARE.—With respect to additional resi-
11 dency positions in a hospital attributable to the
12 increase provided under this paragraph, the ap-
13 proved FTE per resident amounts are deemed
14 to be equal to the hospital per resident amounts
15 for primary care and nonprimary care com-
16 puted under paragraph (2)(D) for that hospital.

17 “(H) PERMITTING FACILITIES TO APPLY
18 AGGREGATION RULES.—The Secretary shall
19 permit hospitals receiving additional residency
20 positions attributable to the increase provided
21 under this paragraph to, beginning in the fifth
22 year after the effective date of such increase,
23 apply such positions to the limitation amount
24 under paragraph (4)(F) that may be aggre-

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

3 “(I) CLARIFICATION.—Chapter 35 of title
 4 44, United States Code, shall not apply to the
 5 implementation of this paragraph.

6 “(J) DEFINITIONS.—In this paragraph:

7 “(i) OTHERWISE APPLICABLE RESI-
 8 DENT LIMIT.—The term ‘otherwise appli-
 9 cable resident limit’ means, with respect to
 10 a hospital, the limit otherwise applicable
 11 under paragraph (4)(F)(i) on the resident
 12 level for the hospital determined without
 13 regard to this paragraph but taking into
 14 account paragraphs (7)(A), (7)(B), (8)(A),
 15 (8)(B), and (9)(A).

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

19 (b) IME.—

20 (1) IN GENERAL.—Section 1886(d)(5)(B)(v) of
 21 the Social Security Act (42 U.S.C.
 22 1395ww(d)(5)(B)(v)), in the third sentence, is
 23 amended by striking “and (h)(9)” and inserting
 24 “(h)(9), and (h)(10)”.

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 by adding after
4 clause (xi) the following new clause:

5 “(xiii) For discharges occurring on or after
6 July 1, 2024, insofar as an additional payment
7 amount under this subparagraph is attributable
8 to residency positions distributed to a hospital
9 under subsection (h)(10), the indirect teaching
10 adjustment factor shall be computed in the
11 same manner as provided under clause (ii) with
12 respect to such residency positions.”.

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