

117TH CONGRESS  
2D SESSION

# H. R. 8908

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2022

Mr. ESTES (for himself and Mr. PANETTA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

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## 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 Stimulant  
5 and other Substance Use Disorders 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.”.

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