

115TH CONGRESS  
2D SESSION

# H. R. 5272

To ensure that programs and activities that are funded by a grant, cooperative agreement, loan, or loan guarantee from the Department of Health and Human Services, and whose purpose is to prevent or treat a mental health or substance use disorder, are evidence-based.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2018

Mr. STIVERS (for himself, Mr. ENGEL, Mrs. COMSTOCK, and Mr. GIBBS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To ensure that programs and activities that are funded by a grant, cooperative agreement, loan, or loan guarantee from the Department of Health and Human Services, and whose purpose is to prevent or treat a mental health or substance use disorder, are evidence-based.

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 “Reinforcing Evidence-  
5 Based Standards Under Law in Treating Substance  
6 Abuse Act of 2018” or the “RESULTS Act of 2018”.

1 **SEC. 2. ENSURING THAT CERTAIN PROGRAMS AND ACTIVI-**  
2 **TIES SUPPORTED BY HHS TO PREVENT OR**  
3 **TREAT MENTAL HEALTH OR SUBSTANCE USE**  
4 **DISORDERS ARE EVIDENCE-BASED.**

5 (a) IN GENERAL.—Part P of title III of the Public  
6 Health Service Act is amended by inserting after section  
7 399V–6 (42 U.S.C. 280g–17) the following:

8 **“SEC. 399V-7. ENSURING THAT PROGRAMS AND ACTIVITIES**  
9 **TO PREVENT OR TREAT MENTAL HEALTH OR**  
10 **SUBSTANCE USE DISORDERS ARE EVIDENCE-**  
11 **BASED.**

12 “(a) IN GENERAL.—In the case of any applicant for  
13 a grant, cooperative agreement, loan, or loan guarantee  
14 from the Department of Health and Human Services to  
15 be used primarily for a program or activity to implement  
16 interventions to prevent or treat a mental health or sub-  
17 stance use disorder, the Secretary shall—

18 “(1) require the applicant to submit materials  
19 demonstrating that the program or activity is evi-  
20 dence-based; and

21 “(2) subject to subsection (d), post such mate-  
22 rials on the public website of the Department.

23 “(b) DELEGATION.—The Secretary shall carry out  
24 this section acting through the head of the relevant agency  
25 or office within the Department of Health and Human  
26 Services.

1 “(c) WAIVERS.—

2 “(1) STANDARD.—The Secretary may waive the  
3 applicability of subsection (a) if the applicant in-  
4 volved demonstrates to the Secretary’s satisfaction  
5 that—

6 “(A) the programs and activities to be  
7 funded are emergent or innovative; and

8 “(B) such programs and activities will con-  
9 tribute to the body of knowledge that is needed  
10 for similar programs and activities (such as  
11 programs targeting specific populations) to be-  
12 come evidence-based.

13 “(2) PROCESS; CRITERIA.—The Secretary shall  
14 ensure that—

15 “(A) the waiver process under this sub-  
16 section is streamlined and simplified, to the  
17 fullest extent possible; and

18 “(B) the criteria for a waiver do not in any  
19 way discourage the funding of emergent or in-  
20 novative programs or activities.

21 “(3) AVAILABILITY OF EVIDENCE.—As a condi-  
22 tion on receipt of a waiver under paragraph (1), sub-  
23 ject to subsection (d), the Secretary shall require the  
24 applicant to submit any materials submitted pursu-  
25 ant to such waiver—

1           “(A) to a federally maintained or recog-  
2 nized registry of evidence-based programs or ac-  
3 tivities, or to another evidence-based practice  
4 resource center, to be made publicly available;  
5 or

6           “(B) to the Secretary to post on the public  
7 website of the Department of Health and  
8 Human Services.

9           “(d) PROTECTION OF CONFIDENTIAL COMMERCIAL  
10 INFORMATION.—Nothing in this section shall be construed  
11 to alter the protections offered by laws governing disclo-  
12 sure of confidential commercial or trade secret information  
13 and any other information exempt from disclosure pursu-  
14 ant to section 552(b) of title 5, United States Code.

15           “(e) DEFINITION.—In this section, the term ‘evi-  
16 dence-based’ means verified or supported by research or  
17 practices that—

18           “(1) are conducted in compliance with rigorous  
19 scientific methods in regards to efficacy and effec-  
20 tiveness;

21           “(2) are published in peer-reviewed journals,  
22 where applicable;

23           “(3) reflect information that existing clinical  
24 guidelines or leading professional organizations and

1 agencies with relevant expertise in the field recognize  
2 as accurate, objective, and complete; or

3 “(4) demonstrate the effectiveness of a specific  
4 therapy in practice.”.

5 (b) REGULATIONS.—Not later than 180 days after  
6 the date of enactment of this Act, the Secretary of Health  
7 and Human Services shall promulgate final regulations to  
8 carry out section 399V–7 of the Public Health Service  
9 Act, as added by subsection (a).

10 (c) APPLICABILITY.—Section 399V–7 of the Public  
11 Health Service Act, as added by subsection (a), applies  
12 to any application for a grant, cooperative agreement,  
13 loan, or loan guarantee described in such section 399V–  
14 7 that is submitted to the Department of Health and  
15 Human Services on or after the date that is 1 year after  
16 the date of enactment of this Act.

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