

## Union Calendar No. 558

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5797

**[Report No. 115-723]**

To amend title XIX of the Social Security Act to allow States to provide under Medicaid services for certain individuals with opioid use disorders in institutions for mental diseases.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Mrs. MIMI WALTERS of California (for herself, Mr. KNIGHT, and Mr. GUTHRIE) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 12, 2018

Additional sponsors: Mrs. BLACKBURN, Mr. WALDEN, and Mr. HILL

JUNE 12, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 15, 2018]

# **A BILL**

To amend title XIX of the Social Security Act to allow States to provide under Medicaid services for certain individuals with opioid use disorders in institutions for mental diseases.

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 “Individuals in Medicaid*  
 5 *Deserve Care that is Appropriate and Responsible in its*  
 6 *Execution Act” or the “IMD CARE Act”.*

7 **SEC. 2. MEDICAID STATE PLAN OPTION TO PROVIDE SERV-**

8 **ICES FOR CERTAIN INDIVIDUALS WITH**

9 **OPIOID USE DISORDERS IN INSTITUTIONS**

10 **FOR MENTAL DISEASES.**

11 *Section 1915 of the Social Security Act (42 U.S.C.*  
 12 *1396n) is amended by adding at the end the following new*  
 13 *subsection:*

14 *“(l) STATE PLAN OPTION TO PROVIDE SERVICES FOR*  
 15 *CERTAIN INDIVIDUALS IN INSTITUTIONS FOR MENTAL DIS-*  
 16 *EASES.—*

17 *“(1) IN GENERAL.—With respect to calendar*  
 18 *quarters beginning during the period beginning Janu-*  
 19 *ary 1, 2019, and ending December 31, 2023, a State*  
 20 *may elect, through a State plan amendment, to, not-*  
 21 *withstanding section 1905(a), provide medical assist-*  
 22 *ance for services furnished in institutions for mental*  
 23 *diseases and for other medically necessary services*  
 24 *furnished to eligible individuals with opioid use dis-*

1 orders, in accordance with the requirements of this  
2 subsection.

3 “(2) PAYMENTS.—

4 “(A) IN GENERAL.—Amounts expended  
5 under a State plan amendment under paragraph  
6 (1) for services described in such paragraph fur-  
7 nished, with respect to a 12-month period, to an  
8 eligible individual with an opioid use disorder  
9 who is a patient in an institution for mental  
10 diseases shall be treated as medical assistance for  
11 which payment is made under section 1903(a)  
12 but only to the extent that such services are fur-  
13 nished for not more than a period of 30 days  
14 (whether or not consecutive) during such 12-  
15 month period.

16 “(B) CLARIFICATION.—Payment made  
17 under this paragraph for expenditures under a  
18 State plan amendment under this subsection  
19 with respect to services described in paragraph  
20 (1) furnished to an eligible individual with an  
21 opioid use disorder shall not affect payment that  
22 would otherwise be made under section 1903(a)  
23 for expenditures under the State plan (or waiver  
24 of such plan) for medical assistance for such in-  
25 dividual.

1           “(3) *INFORMATION REQUIRED IN STATE PLAN*  
2 *AMENDMENT.*—

3           “(A) *IN GENERAL.*—*A State electing to pro-*  
4 *vide medical assistance pursuant to this sub-*  
5 *section shall include with the submission of the*  
6 *State plan amendment under paragraph (1) to*  
7 *the Secretary—*

8           “(i) *a plan on how the State will im-*  
9 *prove access to outpatient care during the*  
10 *period of the State plan amendment, in-*  
11 *cluding a description of—*

12           “(I) *the process by which eligible*  
13 *individuals with opioid use disorders*  
14 *will make the transition from receiving*  
15 *inpatient services in an institution for*  
16 *mental diseases to appropriate out-*  
17 *patient care; and*

18           “(II) *the process the State will*  
19 *undertake to ensure individuals with*  
20 *opioid use disorder are provided care*  
21 *in the most integrated setting appro-*  
22 *priate to the needs of the individuals;*  
23 *and*

24           “(ii) *a description of how the State*  
25 *plan amendment ensures an appropriate*

1           *clinical screening of eligible individuals*  
2           *with an opioid use disorder, including as-*  
3           *essments to determine level of care and*  
4           *length of stay recommendations based upon*  
5           *the multidimensional assessment criteria of*  
6           *the American Society of Addiction Medi-*  
7           *cine.*

8           “(B) *REPORT.*—*Not later than the sooner of*  
9           *December 31, 2024, or one year after the date of*  
10           *the termination of a State plan amendment*  
11           *under this subsection, the State shall submit to*  
12           *the Secretary a report that includes at least—*

13                   “(i) *the number of eligible individuals*  
14                   *with opioid use disorders who received serv-*  
15                   *ices pursuant to such State plan amend-*  
16                   *ment;*

17                   “(ii) *the length of the stay of each such*  
18                   *individual in an institution for mental dis-*  
19                   *eases; and*

20                   “(iii) *the type of outpatient treatment,*  
21                   *including medication-assisted treatment,*  
22                   *each such individual received after being*  
23                   *discharged from such institution.*

24           “(4) *DEFINITIONS.*—*In this subsection:*

1           “(A) *ELIGIBLE INDIVIDUAL WITH AN OPIOID*  
2           *USE DISORDER.*—*The term ‘eligible individual*  
3           *with an opioid use disorder’ means an indi-*  
4           *vidual who—*

5                     “(i) *with respect to a State, is enrolled*  
6                     *for medical assistance under the State plan*  
7                     *(or a waiver of such plan);*

8                     “(ii) *is at least 21 years of age;*

9                     “(iii) *has not attained 65 years of age;*

10                    *and*

11                    “(iv) *has been diagnosed with at least*  
12                    *one opioid use disorder.*

13           “(B) *INSTITUTION FOR MENTAL DIS-*  
14           *EASES.*—*The term ‘institution for mental dis-*  
15           *eases’ has the meaning given such term in sec-*  
16           *tion 1905(i).*

17           “(C) *OPIOID PRESCRIPTION PAIN RE-*  
18           *LIEVER.*—*The term ‘opioid prescription pain re-*  
19           *liever’ includes hydrocodone products, oxycodone*  
20           *products, tramadol products, codeine products,*  
21           *morphine products, fentanyl products,*  
22           *buprenorphine products, oxymorphone products,*  
23           *meperidine products, hydromorphone products,*  
24           *methadone, and any other prescription pain re-*

1           *liever identified by the Assistant Secretary for*  
2           *Mental Health and Substance Use.*

3           “(D) *OPIOID USE DISORDER.*—*The term*  
4           *‘opioid use disorder’ means a disorder that meets*  
5           *the criteria of the Diagnostic and Statistical*  
6           *Manual of Mental Disorders, 4th Edition (or a*  
7           *successor edition), for heroin use disorder or*  
8           *pain reliever use disorder (including with respect*  
9           *to opioid prescription pain relievers).*

10           “(E) *OTHER MEDICALLY NECESSARY SERV-*  
11           *ICES.*—*The term ‘other medically necessary serv-*  
12           *ices’ means, with respect to an eligible indi-*  
13           *vidual with an opioid use disorder who is a pa-*  
14           *tient in an institution for mental diseases, items*  
15           *and services that are provided to such individual*  
16           *outside of such institution to the extent that such*  
17           *items and services would be treated as medical*  
18           *assistance for such individual if such individual*  
19           *were not a patient in such institution.”.*





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