

115TH CONGRESS  
1ST SESSION

# S. 1169

To amend title XIX of the Social Security Act to provide States with an option to provide medical assistance to individuals between the ages of 22 and 64 for inpatient services to treat substance use disorders at certain facilities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 17, 2017

Mr. DURBIN (for himself, Mr. PORTMAN, Mr. BROWN, Mrs. CAPITO, Mr. KING, Ms. COLLINS, Mr. MANCHIN, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XIX of the Social Security Act to provide States with an option to provide medical assistance to individuals between the ages of 22 and 64 for inpatient services to treat substance use disorders at certain facilities, 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 “Medicaid Coverage for  
5 Addiction Recovery Expansion Act”.

1 **SEC. 2. STATE OPTION TO PROVIDE MEDICAL ASSISTANCE**  
 2 **FOR RESIDENTIAL ADDICTION TREATMENT**  
 3 **FACILITY SERVICES; MODIFICATION OF THE**  
 4 **IMD EXCLUSION.**

5 (a) IN GENERAL.—Section 1905 of the Social Secu-  
 6 rity Act (42 U.S.C. 1396d) is amended—

7 (1) in subsection (a)(16)—

8 (A) by striking “and, (B)” and inserting “,  
 9 (B)”; and

10 (B) by inserting “, and (C) effective Janu-  
 11 ary 1, 2019, residential addiction treatment fa-  
 12 cility services (as defined in subsection (h)(3))  
 13 for individuals over 21 years of age and under  
 14 65 years of age, if offered as part of a full con-  
 15 tinuum of evidence-based treatment services  
 16 provided under the State plan, including resi-  
 17 dential, outpatient, and community-based care,  
 18 for individuals with substance use disorders”  
 19 before the semicolon; and

20 (2) in subsection (h)—

21 (A) in paragraph (1), by striking “para-  
 22 graph (16) of subsection (a)” and inserting  
 23 “subsection (a)(16)(A)”; and

24 (B) by adding at the end the following new  
 25 paragraph:

1           “(3)(A) For purposes of subsection (a)(16)(C),  
2           the term ‘residential addiction treatment facility  
3           services’ means, subject to subparagraph (B), inpa-  
4           tient services provided—

5                   “(i) to an individual for the purpose of  
6                   treating a substance use disorder that are fur-  
7                   nished to an individual for not more than 2  
8                   consecutive periods of 30 consecutive days, pro-  
9                   vided that upon completion of the first 30-day  
10                  period, the individual is assessed and deter-  
11                  mined to have progressed through the clinical  
12                  continuum of care, in accordance with criteria  
13                  established by the Secretary, in consultation  
14                  with the American Society of Addiction Medi-  
15                  cine, and requires continued medically nec-  
16                  essary treatment and social support services to  
17                  promote recovery, stable transition to ongoing  
18                  treatment, and discharge; and

19                   “(ii) in a facility that is accredited for the  
20                   treatment of substance use disorders by the  
21                   Joint Commission on Accreditation of  
22                   Healthcare Organizations, the Commission on  
23                   Accreditation of Rehabilitation Facilities, the  
24                   Council on Accreditation, or any other accred-  
25                   iting agency that the Secretary deems appro-

1           appropriate as necessary to ensure nationwide appli-  
2           cability, including qualified national organiza-  
3           tions and State-level accrediting agencies.

4           “(B) The State agency responsible for admin-  
5           istering the State plan under this title shall establish  
6           procedures to ensure that, with respect to any facil-  
7           ity providing residential addiction treatment facility  
8           services in a fiscal year, the average monthly num-  
9           ber of beds used by the facility to provide such serv-  
10          ices during such year is not more than 40.

11          “(C) The provision of medical assistance for  
12          residential addiction treatment facility services to an  
13          individual shall not prohibit Federal financial par-  
14          ticipation for medical assistance for items or services  
15          that are provided to the individual in or away from  
16          the residential addiction treatment facility during  
17          any 30-day period in which the individual is receiv-  
18          ing residential addiction treatment facility services.

19          “(D) A woman who is eligible for medical as-  
20          sistance on the basis of being pregnant and who is  
21          furnished residential addiction treatment facility  
22          services during any 30-day period may remain eligi-  
23          ble for, and continue to be furnished with, such serv-  
24          ices for additional 30-day periods without regard to  
25          any eligibility limit that would otherwise apply to the

1 woman as a result of her pregnancy ending, subject  
2 to assessment by the facility and a determination  
3 based on medical necessity related to substance use  
4 disorder and the impact of substance use disorder on  
5 birth outcomes.”.

6 (b) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply to items and services furnished on  
8 or after January 1, 2019.

9 **SEC. 3. GRANT PROGRAM TO EXPAND YOUTH ADDICTION**  
10 **TREATMENT FACILITIES UNDER MEDICAID**  
11 **AND CHIP.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—The Secretary shall establish  
14 a program under which the Secretary shall award  
15 grants to States for the purpose of expanding the in-  
16 frastructure and treatment capabilities, including  
17 augmenting equipment and bed capacity, of eligible  
18 youth addiction treatment facilities that provide ad-  
19 diction treatment services to Medicaid or CHIP  
20 beneficiaries who have not attained the age of 21  
21 and are in communities with high numbers of medi-  
22 cally underserved populations of at-risk youth.

23 (2) USE OF FUNDS.—Grant funds awarded  
24 under this section may be used to expand the infra-  
25 structure and treatment capabilities of an existing

1 facility (including through construction) but shall  
2 not be used for the construction of any new facility  
3 or for the provision of medical assistance or child  
4 health assistance under Medicaid or CHIP.

5 (3) TIMETABLE FOR IMPLEMENTATION; DURA-  
6 TION.—

7 (A) IMPLEMENTATION.—Not later than 1  
8 year after the date of the enactment of this Act,  
9 the Secretary shall award grants under the  
10 grant program.

11 (B) DURATION.—The Secretary shall  
12 award grants under the grant program for a  
13 period not to exceed 5 years.

14 (b) APPLICATION.—A State seeking to participate in  
15 the grant program shall submit to the Secretary, at such  
16 time and in such manner as the Secretary shall require,  
17 an application that includes—

18 (1) detailed information on the types of addi-  
19 tional infrastructure and treatment capacity of eligi-  
20 ble youth addiction treatment facilities that the  
21 State proposes to fund under the grant program;

22 (2) a description of the communities in which  
23 the eligible youth addiction treatment facilities fund-  
24 ed under the grant program operate;

1           (3) an assurance that the eligible youth addic-  
2           tion treatment facilities that the State proposes to  
3           fund under the grant program shall give priority to  
4           providing addiction treatment services to Medicaid  
5           or CHIP beneficiaries who have not attained the age  
6           of 21 and are in communities with high numbers of  
7           medically underserved populations of at-risk youth;  
8           and

9           (4) such additional information and assurances  
10          as the Secretary shall require.

11          (c) RURAL AREAS.—Not less than 15 percent of the  
12          amount of a grant awarded to a State under this section  
13          shall be used for making payments to eligible youth addic-  
14          tion treatment facilities that are located in rural areas or  
15          that target the provision of addiction treatment services  
16          to Medicaid or CHIP beneficiaries who have not attained  
17          the age of 21 and reside in rural areas.

18          (d) DEFINITIONS.—For purposes of this section:

19               (1) ADDICTION TREATMENT SERVICES.—The  
20               term “addiction treatment services” means services  
21               provided to an individual for the purpose of treating  
22               a substance use disorder.

23               (2) CHIP.—The term “CHIP” means the  
24               State children’s health insurance program estab-

1 lished under title XXI of the Social Security Act (42  
2 U.S.C. 1397aa et seq.).

3 (3) ELIGIBLE YOUTH ADDICTION TREATMENT  
4 FACILITY.—The term “eligible youth addiction treat-  
5 ment facility” means a facility that is a participating  
6 provider under the State Medicaid or CHIP pro-  
7 grams for purposes of providing medical assistance  
8 or child health assistance to Medicaid or CHIP  
9 beneficiaries for youth addiction treatment services  
10 on an inpatient or outpatient basis (or both).

11 (4) MEDICAID.—The term “Medicaid” means  
12 the medical assistance program established under  
13 title XIX of the Social Security Act (42 U.S.C. 1396  
14 et seq.).

15 (5) MEDICAID OR CHIP BENEFICIARY.—The  
16 term “Medicaid or CHIP beneficiary” means an in-  
17 dividual who is enrolled in the State Medicaid plan,  
18 the State child health plan under CHIP, or under a  
19 waiver of either such plan.

20 (6) MEDICALLY UNDERSERVED POPU-  
21 LATIONS.—The term “medically underserved popu-  
22 lations” has the meaning given that term in section  
23 330(b)(3) of the Public Health Service Act (42  
24 U.S.C. 254b(b)(3)).

1           (7) SECRETARY.—The term “Secretary” means  
2           the Secretary of Health and Human Services.

3           (e) AUTHORIZATION OF APPROPRIATIONS.—There  
4           are authorized to be appropriated \$50,000,000 to carry  
5           out the provisions of this section. Funds appropriated  
6           under this subsection shall remain available until ex-  
7           pended.

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