

114TH CONGRESS
2D SESSION

S. 3548

To continue the Medicaid emergency psychiatric demonstration project.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10 (legislative day, DECEMBER 9), 2016

Mr. CARDIN (for himself, Mr. BLUNT, Ms. COLLINS, and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To continue the Medicaid emergency psychiatric demonstration project.

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. CONTINUATION OF MEDICAID EMERGENCY**
4 **PSYCHIATRIC DEMONSTRATION PROJECT.**

5 (a) ORIGINAL STATES.—Paragraph (2) of section
6 2707(d) of Public Law 111–148 (42 U.S.C. 1396a note)
7 is amended to read as follows:

8 “(2) EXTENSION OF PARTICIPATION ELIGI-
9 BILITY FOR ORIGINALLY SELECTED STATES.—

10 “(A) IN GENERAL.—

“(i) STATE OPTION TO RESUME PARTICIPATION.—The Secretary shall allow any State selected as an eligible State to participate in the demonstration project on or prior to March 13, 2012, to resume participation in the demonstration project upon the request of the State.

“(ii) TIMELINE FOR ELECTION AND PARTICIPATION.—A State that elects to resume participation in the demonstration project under clause (i) shall—

“(I) make such election before April 1, 2017; and

“(II) resume participation not sooner than July 1, 2018, and not later than December 31, 2018.”.

(b) AUTHORITY TO SUBSTITUTE A NEW STATE FOR AN ORIGINALLY SELECTED STATE.—Paragraph (2) of section 2707(d) of Public Law 111–148 (42 U.S.C. 1396a note), as amended by subsection (a), is amended by adding at the end the following new subparagraphs:

“(B) AUTHORITY TO REPLACE AN ORIGINALLY SELECTED STATE.—

“(i) IN GENERAL.—If any State that was selected to participate in the dem-

onstration project on or prior to March 13, 2012, does not elect before April 1, 2017, to resume the State’s participation in the demonstration project, the Secretary may select on a competitive basis another State to participate in the project.

“(ii) **TIMELINE FOR PARTICIPATION BY A REPLACEMENT STATE.**—A State selected to participate in the demonstration project under clause (i) shall begin to participate not sooner than July 1, 2018, and not later than December 31, 2018.

“(C) **LENGTH OF PARTICIPATION FOR ORIGINAL AND REPLACEMENT STATES.**—A State that elects to resume participation in the demonstration project under subparagraph (A) or is selected to participate under subparagraph (B) shall be permitted to participate in the demonstration project for a period of three consecutive years, and no State may continue to participate in the demonstration project after such period without the approval of Congress in accordance with subsection (f)(4)(C).

“(D) **CAP ON NUMBER OF STATES.**—In no event may the number of States authorized to

1 participate in the demonstration project under
2 this paragraph exceed 12 States.”.

3 (c) FUNDING.—Subsection (e) of section 2707 of
4 such Act (42 U.S.C. 1396a note) is amended—

5 (1) by amending subparagraph (A) of para-
6 graph (1) to read as follows:

7 “(A) IN GENERAL.—Out of any funds in
8 the Treasury not otherwise appropriated, there
9 is appropriated to carry out this section—

10 “(i) \$75,000,000 for fiscal year 2011,
11 to remain available until expended; and

12 “(ii) \$75,000,000 for fiscal year 2017,
13 to remain available through March 31,
14 2022.”; and

15 (2) by amending paragraph (2) to read as fol-
16 lows:

17 “(2) LIMITATION ON PAYMENTS.—In no case
18 may—

19 “(A) the aggregate amount of payments
20 made by the Secretary to eligible States under
21 this section for the period beginning on July 1,
22 2018, and ending on December 31, 2021, ex-
23 ceed \$75,000,000; or

24 “(B) payments be provided by the Sec-
25 retary under this section after March 31, 2022,

1 unless a law described in subsection (f)(4)(C) is
 2 in effect.”.

3 (d) PERMANENT AND EXPANSION EVALUATION AND
 4 RECOMMENDATION.—Subsection (f)(4) of section 2707 of
 5 such Act (42 U.S.C. 1396a note) is amended—

6 (1) in subparagraph (A)—

7 (A) by striking “April 1, 2019” and insert-
 8 ing “June 30, 2021”; and

9 (B) by striking “December 31, 2019” and
 10 inserting “December 31, 2021”;

11 (2) in subparagraph (C), by striking “December
 12 31, 2019” each place it appears and inserting “De-
 13 cember 31, 2021”; and

14 (3) by adding at the end the following new sub-
 15 paragraph:

16 “(D) COLLECTION OF DATA FROM
 17 STATES.—The Secretary shall provide each
 18 State participating in the demonstration project
 19 with a template of the data needed from the
 20 State to conduct the evaluation required under
 21 this paragraph and at least 1 fiscal quarter to
 22 collect and submit such data.”.

23 (e) CONFORMING AMENDMENTS.—

24 (1) AUTHORITY TO CONDUCT PROJECT.—Sub-
 25 section (a) of section 2707 of such Act (42 U.S.C.

1 1396a note) is amended by inserting “or (d)(2)(B)”
 2 after “subsection (c)”.

3 (2) TECHNICAL CORRECTION TO STABILIZATION
 4 REVIEW REQUIREMENT.—The first sentence of sec-
 5 tion 2707(b) of such Act (42 U.S.C. 1396a note) is
 6 amended to read as follows: “A State shall specify
 7 in its application the mechanism established for en-
 8 suring that institutions participating in the dem-
 9 onstration will determine whether or not such indi-
 10 viduals have been stabilized (as defined in subsection
 11 (h)(5)).”.

12 (3) ELIGIBLE STATE DEFINITION.—Subsection
 13 (c)(1) of section 2707 of such Act (42 U.S.C. 1396a
 14 note) is amended by inserting “and subsection
 15 (d)(2)(B)” after “paragraph (4)”.

16 (4) LENGTH OF PROJECT.—Subsection (d) of
 17 section 2707 of such Act (42 U.S.C. 1396a note) is
 18 amended—

19 (A) in paragraph (1), by striking “para-
 20 graphs (2) and (3)” and inserting “paragraph
 21 (2)”; and

22 (B) by striking paragraphs (3) and (4).

23 (5) FUNDING.—Subsection (e)(4) of section
 24 2707 of such Act (42 U.S.C. 1396a note) is amend-
 25 ed—

1 (A) by striking “an evaluation under sub-
2 section (f)(1)” and inserting “the evaluations
3 required under subsection (f)”; and

4 (B) by striking “or (3)”.

5 (f) OFFSET.—From amounts appropriated for the
6 Prevention and Public Health Fund for fiscal year 2021
7 under section 4002(b) of the Patient Protection and Af-
8 fordable Care Act (42 U.S.C. 300u–11(b)), \$75,000,000
9 shall be rescinded.

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