

116TH CONGRESS
2D SESSION

H. R. 8586

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2020

Mr. FOSTER (for himself and Mr. FITZPATRICK) introduced the following bill;
which was referred to the Committee on Energy and Commerce

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. 1. 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, 2021, 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), the
2 term ‘residential addiction treatment facility services’
3 means, subject to subparagraph (B), inpatient services
4 provided—

5 “(i) to an individual for the purpose of treating
6 a substance use disorder that are furnished to an in-
7 dividual for not more than 2 consecutive periods of
8 30 consecutive days, provided that upon completion
9 of the first 30-day period, the individual is assessed
10 and determined to have progressed through the clin-
11 ical continuum of care, in accordance with criteria
12 established by the Secretary, in consultation with the
13 American Society of Addiction Medicine, and re-
14 quires continued medically necessary treatment and
15 social support services to promote recovery, stable
16 transition to ongoing treatment, and discharge; and

17 “(ii) in a facility that is accredited for the
18 treatment of substance use disorders by the Joint
19 Commission on Accreditation of Healthcare Organi-
20 zations, the Commission on Accreditation of Reha-
21 bilitation Facilities, the Council on Accreditation, or
22 any other accrediting agency that the Secretary
23 deems appropriate as necessary to ensure nationwide
24 applicability, including qualified national organiza-
25 tions and State-level accrediting agencies.

1 “(B) The State agency responsible for administering
2 the State plan under this title shall establish procedures
3 to ensure that, with respect to any facility providing resi-
4 dential addiction treatment facility services in a fiscal
5 year, the average monthly number of beds used by the fa-
6 cility to provide such services during such year is not more
7 than 40.

8 “(C) The provision of medical assistance for residen-
9 tial addiction treatment facility services to an individual
10 shall not prohibit Federal financial participation for med-
11 ical assistance for items or services that are provided to
12 the individual in or away from the residential addiction
13 treatment facility during any 30-day period in which the
14 individual is receiving residential addiction treatment fa-
15 cility services.

16 “(D) A woman who is eligible for medical assistance
17 on the basis of being pregnant and who is furnished resi-
18 dential addiction treatment facility services during any 30-
19 day period may remain eligible for, and continue to be fur-
20 nished with, such services for additional 30-day periods
21 without regard to any eligibility limit that would otherwise
22 apply to the woman as a result of her pregnancy ending,
23 subject to assessment by the facility and a determination
24 based on medical necessity related to substance use dis-

1 order and the impact of substance use disorder on birth
2 outcomes.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to items and services furnished on
5 or after January 1, 2021.

6 **SEC. 2. GRANT PROGRAM TO EXPAND YOUTH ADDICTION**
7 **TREATMENT FACILITIES UNDER MEDICAID**
8 **AND CHIP.**

9 (a) ESTABLISHMENT.—

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

20 (2) USE OF FUNDS.—Grant funds awarded
21 under this section may be used to expand the infra-
22 structure and treatment capabilities of an existing
23 facility (including through construction) but shall
24 not be used for the construction of any new facility

1 or for the provision of medical assistance or child
2 health assistance under Medicaid or CHIP.

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

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

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

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

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

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

23 (3) an assurance that the eligible youth addic-
24 tion treatment facilities that the State proposes to
25 fund under the grant program shall give priority to

1 providing addiction treatment services to Medicaid
2 or CHIP beneficiaries who have not attained the age
3 of 21 and are in communities with high numbers of
4 medically underserved populations of at-risk youth;
5 and

6 (4) such additional information and assurances
7 as the Secretary shall require.

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

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

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

20 (2) CHIP.—The term “CHIP” means the
21 State children’s health insurance program estab-
22 lished under title XXI of the Social Security Act (42
23 U.S.C. 1397aa et seq.).

24 (3) ELIGIBLE YOUTH ADDICTION TREATMENT
25 FACILITY.—The term “eligible youth addiction treat-

1 ment facility” means a facility that is a participating
2 provider under the State Medicaid or CHIP pro-
3 grams for purposes of providing medical assistance
4 or child health assistance to Medicaid or CHIP
5 beneficiaries for youth addiction treatment services
6 on an inpatient or outpatient basis (or both).

7 (4) MEDICAID.—The term “Medicaid” means
8 the medical assistance program established under
9 title XIX of the Social Security Act (42 U.S.C. 1396
10 et seq.).

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

16 (6) MEDICALLY UNDERSERVED POPU-
17 LATIONS.—The term “medically underserved popu-
18 lations” has the meaning given that term in section
19 330(b)(3) of the Public Health Service Act (42
20 U.S.C. 254b(b)(3)).

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

23 (e) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated \$50,000,000 to carry
25 out the provisions of this section. Funds appropriated

1 under this subsection shall remain available until ex-
2 pended.

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