

115TH CONGRESS
1ST SESSION

H. R. 2938

To amend titles XIX and XXI of the Social Security Act to remove barriers to access to residential substance use disorder treatment services under Medicaid and the Children’s Health Insurance Program (CHIP).

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2017

Mr. FITZPATRICK (for himself, Mrs. MURPHY of Florida, Mr. MACARTHUR, Ms. KUSTER of New Hampshire, Mr. MURPHY of Pennsylvania, Mr. NORCROSS, Mr. FOSTER, Mr. KELLY of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. KNIGHT, Ms. TENNEY, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SEAN PATRICK MALONEY of New York, Ms. CLARK of Massachusetts, Ms. SHEA-PORTER, and Mr. COURTNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend titles XIX and XXI of the Social Security Act to remove barriers to access to residential substance use disorder treatment services under Medicaid and the Children’s Health Insurance Program (CHIP).

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 “Road to Recovery
5 Act”.

1 **SEC. 2. REMOVING BARRIERS TO ACCESS TO RESIDENTIAL**
2 **SUBSTANCE USE DISORDER TREATMENT**
3 **SERVICES UNDER MEDICAID AND CHIP.**

4 (a) MEDICAID.—Section 1905 of the Social Security
5 Act (42 U.S.C. 1396d) is amended—

6 (1) in subsection (a)—

7 (A) by striking “and” at the end of para-
8 graph (28);

9 (B) by redesignating paragraph (29) as
10 paragraph (30); and

11 (C) by inserting after paragraph (28) the
12 following new paragraph:

13 “(29) residential substance use disorder treat-
14 ment services (as defined in subsection (h)(3)(A));”;

15 (2) in the subparagraph (B) following para-
16 graph (30), as so redesignated, by inserting after
17 “an institution for mental diseases” the following:
18 “(other than with respect to residential substance
19 use disorder treatment services, as defined in sub-
20 section (h)(3)(A));” and

21 (3) in subsection (h), by adding at the end the
22 following new paragraph:

23 “(3)(A) For purposes of subsection (a) and section
24 2110(b)(2)(A), the term ‘residential substance use dis-
25 order treatment services’ means, with respect to an indi-
26 vidual, inpatient services in a residential substance use

1 disorder treatment facility (as defined in subparagraph
2 (B)) if—

3 “(i) the individual is under 65 years of age; and

4 “(ii) the individual’s continued need for such
5 services is reviewed and reaffirmed periodically (on
6 a frequency, specified by the State that is not less
7 often than every 60 days) based on criteria approved
8 by the Secretary or established or endorsed by the
9 State’s single State agency identified in section
10 1932(b)(1)(A)(ii) of the Public Health Service Act.

11 “(B) In this paragraph, the term ‘residential sub-
12 stance use disorder treatment facility’ means a facility
13 that—

14 “(i) is primarily engaged in furnishing inpatient
15 services in the treatment of substance use disorders;
16 and

17 “(ii) is accredited as an inpatient nonhospital
18 facility, inpatient nonhospital detoxification facility,
19 or residential facility, by a national accrediting orga-
20 nization recognized by the Secretary for this purpose
21 and is accredited or licensed by a State accrediting
22 or licensing agency for substance use disorder treat-
23 ment.”.

24 (b) CHIP.—Section 2110(b)(2)(A) of the Social Se-
25 curity Act (42 U.S.C. 1397jj(b)(2)(A)) is amended by in-

1 serting after “an institution for mental diseases” the fol-
2 lowing: “(other than with respect to residential substance
3 use disorder treatment services, as defined in section
4 1905(h)(3)(A))”.

5 (c) EFFECTIVE DATE; CONSTRUCTION.—

6 (1) EFFECTIVE DATE.—The amendments made
7 by this section shall apply to items and services fur-
8 nished on or after July 1, 2017.

9 (2) CONSTRUCTION.—Nothing in this section
10 shall be construed as affecting the availability of
11 Federal financial participation for medical assistance
12 under title XIX of the Social Security Act (or for
13 child health assistance under title XXI of such Act)
14 for inpatient services furnished, before the amend-
15 ments made by this section are implemented, in an
16 inpatient nonhospital facility, inpatient nonhospital
17 detoxification facility, or residential facility, that is
18 primarily engaged in furnishing inpatient services in
19 the treatment of substance use disorder services.

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