

Union Calendar No. 562

115TH CONGRESS
2^D SESSION

H. R. 5810

[Report No. 115-727]

To amend title XIX of the Social Security Act to provide for an extension of the enhanced FMAP for certain Medicaid health homes for individuals with substance use disorders.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Mr. LANCE (for himself, Mr. WELCH, and Mr. ROTHFUS) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 12, 2018

Additional sponsors: Mr. WALDEN and Mrs. BLACKBURN

JUNE 12, 2018

Reported with amendments, 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 *italie*]

[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 provide for an extension of the enhanced FMAP for certain Medicaid health homes for individuals with substance use disorders.

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 Health Homes*
5 *for Opioid-Use-Disorder Medicaid Enrollees Encouraged*
6 *Act” or the “Medicaid Health HOME Act”.*

7 **SEC. 2. EXTENSION OF ENHANCED FMAP FOR CERTAIN**
8 **HEALTH HOMES FOR INDIVIDUALS WITH SUB-**
9 **STANCE USE DISORDERS.**

10 *Section 1945 of the Social Security Act (42 U.S.C.*
11 *1396w-4) is amended—*

12 *(1) in subsection (c)—*

13 *(A) in paragraph (1), by inserting “subject*
14 *to paragraph (4),” after “except that,”; and*

15 *(B) by adding at the end the following new*
16 *paragraph:*

17 *“(4) SPECIAL RULE RELATING TO SUBSTANCE*
18 *USE DISORDER HEALTH HOMES.—*

19 *“(A) IN GENERAL.—In the case of a State*
20 *with an SUD-focused State plan amendment ap-*
21 *proved by the Secretary on or after October 1,*
22 *2018, the Secretary may, at the request of the*
23 *State, extend the application of the Federal med-*
24 *ical assistance percentage described in para-*
25 *graph (1) to payments for the provision of health*

1 *home services to SUD-eligible individuals under*
2 *such State plan amendment, in addition to the*
3 *first 8 fiscal year quarters the State plan amend-*
4 *ment is in effect, for the subsequent 2 fiscal year*
5 *quarters that the State plan amendment is in ef-*
6 *fect. Nothing in this section shall be construed as*
7 *prohibiting a State with a State plan amend-*
8 *ment that is approved under this section and*
9 *that is not an SUD-focused State plan amend-*
10 *ment from additionally having approved on or*
11 *after such date an SUD-focused State plan*
12 *amendment under this section, including for*
13 *purposes of application of this paragraph.*

14 “(B) *REPORT REQUIREMENTS.*—*In the case*
15 *of a State with an SUD-focused State plan*
16 *amendment for which the application of the Fed-*
17 *eral medical assistance percentage has been ex-*
18 *tended under subparagraph (A), such State shall,*
19 *at the end of the period of such State plan*
20 *amendment, submit to the Secretary a report on*
21 *the following, with respect to SUD-eligible indi-*
22 *viduals provided health home services under such*
23 *State plan amendment:*

24 “(i) *The quality of health care pro-*
25 *vided to such individuals, with a focus on*

1 *outcomes relevant to the recovery of each*
2 *such individual.*

3 *“(ii) The access of such individuals to*
4 *health care.*

5 *“(iii) The total expenditures of such*
6 *individuals for health care.*

7 *For purposes of this subparagraph, the Sec-*
8 *retary shall specify all applicable measures*
9 *for determining quality, access, and expend-*
10 *itures.*

11 *“(C) BEST PRACTICES.—Not later than Oc-*
12 *tober 1, 2020, the Secretary shall make publicly*
13 *available on the Internet website of the Centers*
14 *for Medicare & Medicaid Services best practices*
15 *for designing and implementing an SUD-focused*
16 *State plan amendment, based on the experiences*
17 *of States that have State plan amendments ap-*
18 *proved under this section that include SUD-eli-*
19 *gible individuals.*

20 *“(D) DEFINITIONS.—For purposes of this*
21 *paragraph:*

22 *“(i) SUD-ELIGIBLE INDIVIDUALS.—*
23 *The term ‘SUD-eligible individual’ means,*
24 *with respect to a State, an individual who*
25 *satisfies all of the following:*

1 “(I) *The individual is an eligible*
2 *individual with chronic conditions.*

3 “(II) *The individual is an indi-*
4 *vidual with a substance use disorder.*

5 “(III) *The individual has not pre-*
6 *viously received health home services*
7 *under any other State plan amend-*
8 *ment approved for the State under this*
9 *section by the Secretary.*

10 “(i) *SUD-FOCUSED STATE PLAN*
11 *AMENDMENT.—The term ‘SUD-focused*
12 *State plan amendment’ means a State plan*
13 *amendment under this section that is de-*
14 *signed to provide health home services pri-*
15 *marily to SUD-eligible individuals.’”.*

16 **SEC. 3. REQUIREMENT FOR STATE MEDICAID PLANS TO**
17 **PROVIDE COVERAGE FOR MEDICATION-AS-**
18 **SISTED TREATMENT.**

19 (a) *REQUIREMENT FOR STATE MEDICAID PLANS TO*
20 *PROVIDE COVERAGE FOR MEDICATION-ASSISTED TREAT-*
21 *MENT.—Section 1902(a)(10)(A) of the Social Security Act*
22 *(42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter pre-*
23 *ceding clause (i), by striking “and (28)” and inserting*
24 *“(28), and (29)”.*

1 **(b) INCLUSION OF MEDICATION-ASSISTED TREATMENT**
2 *AS MEDICAL ASSISTANCE.*—Section 1905(a) of the Social
3 *Security Act (42 U.S.C. 1396d(a)) is amended—*

4 (1) *in paragraph (28), by striking “and” at the*
5 *end;*

6 (2) *by redesignating paragraph (29) as para-*
7 *graph (30); and*

8 (3) *by inserting after paragraph (28) the fol-*
9 *lowing new paragraph:*

10 “(29) *subject to paragraph (2) of subsection (ee),*
11 *for the period beginning October 1, 2020, and ending*
12 *September 30, 2025, medication-assisted treatment*
13 *(as defined in paragraph (1) of such subsection);*
14 *and”.*

15 **(c) MEDICATION-ASSISTED TREATMENT DEFINED;**
16 *WAIVERS.*—Section 1905 of the Social Security Act (42
17 *U.S.C. 1396d) is amended by adding at the end the fol-*
18 *lowing new subsection:*

19 “(ee) **MEDICATION-ASSISTED TREATMENT.**—

20 “(1) **DEFINITION.**—*For purposes of subsection*
21 *(a)(29), the term ‘medication-assisted treatment’—*

22 “(A) *means all drugs approved under sec-*
23 *tion 505 of the Federal Food, Drug, and Cos-*
24 *metic Act (21 U.S.C. 355), including methadone,*
25 *and all biological products licensed under section*

1 351 of the Public Health Service Act (42 U.S.C.
2 262) to treat opioid use disorders; and

3 “(B) includes, with respect to the provision
4 of such drugs and biological products, counseling
5 services and behavioral therapy.

6 “(2) *EXCEPTION.*—The provisions of paragraph
7 (29) of subsection (a) shall not apply with respect to
8 a State for the period specified in such paragraph, if
9 before the beginning of such period the State certifies
10 to the satisfaction of the Secretary that implementing
11 such provisions statewide for all individuals eligible
12 to enroll in the State plan (or waiver of the State
13 plan) would not be feasible by reason of a shortage of
14 qualified providers of medication-assisted treatment,
15 or facilities providing such treatment, that will con-
16 tract with the State or a managed care entity with
17 which the State has a contract under section 1903(m)
18 or under section 1905(t)(3).”.

19 (d) *EFFECTIVE DATE.*—

20 (1) *IN GENERAL.*—Subject to paragraph (2), the
21 amendments made by this section shall apply with re-
22 spect to medical assistance provided on or after Octo-
23 ber 1, 2020, and before October 1, 2025.

24 (2) *EXCEPTION FOR STATE LEGISLATION.*—In
25 the case of a State plan under title XIX of the Social

1 *Security Act (42 U.S.C. 1396 et seq.) that the Sec-*
2 *retary of Health and Human Services determines re-*
3 *quires State legislation in order for the respective*
4 *plan to meet any requirement imposed by the amend-*
5 *ments made by this section, the respective plan shall*
6 *not be regarded as failing to comply with the require-*
7 *ments of such title solely on the basis of its failure to*
8 *meet such an additional requirement before the first*
9 *day of the first calendar quarter beginning after the*
10 *close of the first regular session of the State legislature*
11 *that begins after the date of the enactment of this Act.*
12 *For purposes of the previous sentence, in the case of*
13 *a State that has a 2-year legislative session, each year*
14 *of the session shall be considered to be a separate reg-*
15 *ular session of the State legislature.*

Amend the title so as to read: “A bill to amend title XIX of the Social Security Act to provide for an extension of the enhanced FMAP for certain Medicaid health homes for individuals with substance use disorders, and to require States to include under their State Medicaid plans coverage for medication-assisted treatment.”.

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