

118TH CONGRESS
1ST SESSION

S. 3098

To amend title XIX of the Social Security Act to make permanent the Medicaid option to remove the IMD exclusion to provide medical assistance for certain individuals who are patients in an institution for mental diseases.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2023

Mr. THUNE (for himself, Ms. HASSAN, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to make permanent the Medicaid option to remove the IMD exclusion to provide medical assistance for certain individuals who are patients in an institution for mental diseases.

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 “Securing Advances and
5 a Variety of Evidence-Based IMD Options Act”.

1 **SEC. 2. MAKING PERMANENT STATE PLAN AMENDMENT**
2 **OPTION TO PROVIDE MEDICAL ASSISTANCE**
3 **FOR CERTAIN INDIVIDUALS WHO ARE PA-**
4 **TIENTS IN CERTAIN INSTITUTIONS FOR MEN-**
5 **TAL DISEASES.**

6 (a) **IN GENERAL.**—Section 1915(l)(1) of the Social
7 Security Act (42 U.S.C. 1396n(l)(1)) is amended by strik-
8 ing “With respect to calendar quarters beginning during
9 the period beginning October 1, 2019, and ending Sep-
10 tember 30, 2023,” and inserting “With respect to calendar
11 quarters beginning on or after October 1, 2019,”.

12 (b) **MAINTENANCE OF EFFORT REVISION.**—Section
13 1915(l)(3)(A) of the Social Security Act (42 U.S.C.
14 1396n(l)(3)(A)) is amended—

15 (1) in the matter preceding clause (i), by strik-
16 ing “other than under this title”; and

17 (2) in clause (i), by striking “or, if higher,” and
18 all that follows through “in accordance with this
19 subsection”.

20 (c) **ADDITIONAL REQUIREMENTS.**—

21 (1) **IN GENERAL.**—

22 (A) **GENERAL REQUIREMENTS.**—Section
23 1915(l)(4) of the Social Security Act (42
24 U.S.C. 1396n(l)(4)) is amended—

1 (i) in subparagraph (A), by striking
2 “through (D)” and inserting “through
3 (F)”;

4 (ii) in subparagraph (C), by adding at
5 the end the following new clause:

6 “(iii) MEDICATION-ASSISTED TREAT-
7 MENT.—The State shall, when appropriate,
8 facilitate access to, and provide medical as-
9 sistance for, medication-assisted treatment
10 for substance use disorder treatment, irre-
11 spective of the setting in which such treat-
12 ment is provided.”;

13 (iii) in subparagraph (D), in the mat-
14 ter preceding clause (i), by inserting “have
15 in place evidence-based, substance use dis-
16 order-specific individual placement criteria
17 and utilization management approach to
18 ensure placement of such individual in an
19 appropriate level of care and shall” after
20 “State shall”; and

21 (iv) by adding at the end the following
22 new subparagraph:

23 “(E) REVIEW PROCESS.—The State shall
24 have in place a process to review the compliance
25 of eligible institutions for mental diseases with

1 evidence-based, substance use disorder-specific
2 program standards of care for eligible individ-
3 uals specified by the State.”.

4 (B) EFFECTIVE DATE.—The amendments
5 made by subparagraph (A) shall apply with re-
6 spect to medical assistance furnished in cal-
7 endar quarters beginning on or after October 1,
8 2025.

9 (2) ONE-TIME ASSESSMENT.—Section
10 1915(l)(4) of the Social Security Act (42 U.S.C.
11 1396n(l)(4)), as amended by paragraph (1), is fur-
12 ther amended by adding at the end the following
13 new subparagraph:

14 “(F) ASSESSMENT.—The State shall, not
15 later than 12 months after the approval of a
16 State plan amendment described in this sub-
17 section (or, in the case such State has such an
18 amendment approved as of the date of the en-
19 actment of this subparagraph, not later than 12
20 months after such date), commence an assess-
21 ment of—

22 “(i) the availability of treatment for
23 individuals enrolled under a State plan
24 under this title (or waiver of such plan) in

1 each level of care described in subpara-
2 graph (C); and

3 “(ii) the availability of medication-as-
4 sisted treatment and medically supervised
5 withdrawal management services for such
6 individuals.”.

7 (3) CLARIFICATION OF LEVELS OF CARE.—Sec-
8 tion 1915(l)(7)(A) of the Social Security Act (42
9 U.S.C. 1396n(l)(7)(A)) is amended by inserting “(or
10 any successor publication)” before the period.

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