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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend titles XIX and XXI of the Social Security Act to add a new State plan amendment option to provide medical assistance for certain individuals who are patients in certain institutions for mental diseases.

IN THE HOUSE OF REPRESENTATIVES

Ms. PETTERSEN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend titles XIX and XXI of the Social Security Act to add a new State plan amendment option to provide medical assistance for certain individuals who are patients in certain institutions 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 “Recovery Act”.

1 **SEC. 2. ADDING MEDICAID AND CHIP STATE PLAN AMEND-**
2 **MENT OPTIONS.**

3 (a) ADDITIONAL MEDICAID STATE PLAN AMEND-
4 MENT OPTION.—Section 1915 of the Social Security Act
5 (42 U.S.C. 1396n) is amended by adding at the end the
6 following new subsection:

7 “(m) ADDITIONAL STATE PLAN AMENDMENT OP-
8 TION TO PROVIDE MEDICAL ASSISTANCE FOR CERTAIN
9 INDIVIDUALS WHO ARE PATIENTS IN CERTAIN INSTITU-
10 TIONS FOR MENTAL DISEASES.—

11 “(1) IN GENERAL.—Subject to the succeeding
12 paragraphs of this subsection, with respect to cal-
13 endar quarters beginning on or after January 1,
14 2025, a State may elect, through a State plan
15 amendment, to provide medical assistance for items
16 and services furnished to an eligible individual who
17 is a patient in an eligible institution for mental dis-
18 eases in accordance with the requirements described
19 in paragraphs (3) through (7) of subsection (l).

20 “(2) PAYMENTS.—

21 “(A) IN GENERAL.—Subject to paragraphs
22 (3) and (4) of subsection (l) as applied to a
23 State plan amendment under paragraph (1),
24 amounts expended under such a State plan
25 amendment for services described in such para-
26 graph furnished, with respect to a 12-month pe-

1 riod, to an eligible individual who is a patient
2 in an eligible institution for mental diseases
3 shall be treated as medical assistance for which
4 payment is made under section 1903(a), but
5 only to the extent that such services are fur-
6 nished for not more than the period of medical
7 necessity determined under subparagraph (B)
8 with respect to such eligible individual during
9 such 12-month period.

10 “(B) PERIOD OF MEDICAL NECESSITY.—
11 For purposes of subparagraph (A), with respect
12 to an eligible individual, the period of medical
13 necessity—

14 “(i) is the number of days (both con-
15 secutive and nonconsecutive) that treat-
16 ment in an eligible institution for mental
17 diseases is determined, in a manner speci-
18 fied by the Secretary, to be in accordance
19 with the most recent evidence-based cri-
20 teria developed by a nonprofit medical as-
21 sociation with expertise in substance use
22 disorder treatment, such as the American
23 Society of Addiction Medicine; and

24 “(ii) shall be redetermined at a fre-
25 quency specified by the Secretary, but in

1 no case less frequently than every 30 con-
2 secutive days during which such eligible in-
3 dividual is a patient in an eligible institu-
4 tion for mental diseases.

5 “(3) TEMPORARY ENHANCED FMAP.—Notwith-
6 standing section 1905(b), for each fiscal quarter
7 during the first 5 years that a State plan amend-
8 ment elected under this subsection is in effect, the
9 Federal medical assistance percentage applicable to
10 payments under this subsection shall be equal to 90
11 percent.

12 “(4) CLARIFICATION WITH RESPECT TO INPA-
13 TIENT AND RESIDENTIAL SERVICES.—For purposes
14 of a State plan amendment elected under this sub-
15 section, paragraph (4)(C)(ii) of subsection (l) shall
16 be applied by substituting the following for sub-
17 clause (IV):

18 “(IV) Medically managed, high-
19 intensity residential services for ado-
20 lescents, and medically managed, in-
21 tensive residential services (including
22 withdrawal management) for adults,
23 that provide 24-hour nursing care,
24 make physicians available for signifi-
25 cant problems in Dimensions 1, 2, or

1 3, and provide comprehensive psycho-
2 social services.’.

3 “(5) PLANNING GRANTS.—

4 “(A) IN GENERAL.—Beginning January 1,
5 2025, the Secretary may award planning grants
6 to States for purposes of developing and imple-
7 menting a State plan amendment under this
8 subsection, including through the funding of ap-
9 propriate tools and training. A planning grant
10 awarded to a State under this paragraph shall
11 remain available until expended.

12 “(B) APPLICATION.—To be eligible to re-
13 ceive a planning grant under this paragraph, a
14 State shall submit to the Secretary an applica-
15 tion in such form and manner as the Secretary
16 shall specify.

17 “(C) LIMITATION.—The total amount of
18 payments to States under this paragraph shall
19 not exceed \$25,000,000.

20 “(6) ELIGIBLE INDIVIDUAL DEFINED.—In this
21 subsection, the term ‘eligible individual’ means an
22 individual who—

23 “(A) with respect to a State, is enrolled for
24 medical assistance under the State plan or a
25 waiver of such plan;

1 “(B) has not attained 65 years of age; and

2 “(C) has at least 1 substance use dis-
3 order.”.

4 (b) CHILDREN’S HEALTH INSURANCE PROGRAM.—

5 Section 2107(e)(1) of the Social Security Act (42 U.S.C.

6 1397gg(e)(1)) is amended by adding at the end the fol-

7 lowing new subparagraph:

8 “(V) Section 1915(m) (relating to the

9 State option to provide medical assistance for

10 individuals who are patients in an eligible insti-

11 tution for mental diseases).”.