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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend title XIX of the Social Security Act to provide for a State Medicaid option to provide coverage of community-based inpatient substance use disorder treatment for nonelderly adults, to remove such services from the Medicaid exclusion from medical assistance of items and services for patients in an institution for mental diseases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. FUDGE (for herself and Mr. RYAN of Ohio) introduced the following bill;
which was referred to the Committee on _____

A BILL

To amend title XIX of the Social Security Act to provide for a State Medicaid option to provide coverage of community-based inpatient substance use disorder treatment for nonelderly adults, to remove such services from the Medicaid exclusion from medical assistance of items and services for patients in an institution for mental diseases, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Breaking Addiction
3 Act of 2017”.

4 **SEC. 2. STATE OPTION TO PROVIDE MEDICAL ASSISTANCE**
5 **FOR COMMUNITY-BASED INPATIENT SUB-**
6 **STANCE USE DISORDER TREATMENT SERV-**
7 **ICES TO NONELDERLY ADULTS.**

8 (a) IN GENERAL.—Section 1905 of the Social Secu-
9 rity Act (42 U.S.C. 1396d) is amended—

10 (1) in subsection (a)(16)—

11 (A) by striking “, and, (B)” and inserting
12 “, (B)”; and

13 (B) by inserting before the semicolon at
14 the end the following: “, and (C) community-
15 based inpatient substance use disorder treat-
16 ment services for individuals over 21 years of
17 age and under 65 years of age”; and

18 (2) in subsection (h)—

19 (A) in paragraph (1)(B), by inserting “(in-
20 cluding a substance use disorder)” after “men-
21 tal health conditions”; and

22 (B) by adding at the end the following new
23 paragraph:

24 “(3) For purposes of subsection (a)(16)(C), the term
25 ‘community-based inpatient substance use disorder treat-
26 ment services’ means services described in subparagraphs

1 (A) and (B) of paragraph (1) that are furnished in an
2 institution for mental diseases (as defined in section
3 1905(i) of the Social Security Act (42 U.S.C. 1396d(i))
4 that has not more than 60 beds.”.

5 (b) REPORT TO CONGRESS.—Not later than 4 years
6 after the date of the enactment of this Act, the Secretary
7 of Health and Human Services shall submit to Congress,
8 and make available to the public, a report on the avail-
9 ability of, and access to, community-based inpatient sub-
10 stance use disorder treatment services provided under
11 State Medicaid plans under title XIX of the Social Secu-
12 rity Act (or waivers of such plans) (42 U.S.C. 1396 et
13 seq.) pursuant to the amendments made by subsection (a).
14 The report shall include recommendations regarding a
15 permanent and expanded waiver of the limitation on pay-
16 ment under the subdivision (B) following section
17 1905(a)(29) of the Social Security Act (42 U.S.C.
18 1396d(a)(29)) to permit all States to provide such services
19 to all individuals eligible to receive medical assistance
20 under such State Medicaid plans.

21 (c) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall apply to calendar quarters beginning
23 on or after the date that is 30 days after the date of the
24 enactment of this Act, but in no case shall such amend-
25 ments apply earlier than October 1, 2017.