

**[DISCUSSION DRAFT]**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

To amend title XIX of the Social Security Act to provide for Medicaid coverage protections for pregnant and post-partum women while receiving inpatient treatment for a substance use disorder.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**A BILL**

To amend title XIX of the Social Security Act to provide for Medicaid coverage protections for pregnant and post-partum women while receiving inpatient treatment for a substance use disorder.

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. MEDICAID COVERAGE PROTECTION FOR PREG-**  
2 **NANT AND POST-PARTUM WOMEN WHILE RE-**  
3 **CEIVING INPATIENT TREATMENT FOR A SUB-**  
4 **STANCE USE DISORDER.**

5 (a) IN GENERAL.—Section 1905(a) of the Social Se-  
6 curity Act (42 U.S.C. 1396d(a)) is amended by adding  
7 at the end the following new sentence: “In the case of a  
8 woman who is eligible for medical assistance on the basis  
9 of being pregnant (including through the end of the month  
10 in which the 60-day period beginning on the last day of  
11 her pregnancy ends), who is a patient in an institution  
12 for mental diseases for purposes of receiving treatment for  
13 a substance use disorder, and who was enrolled for medical  
14 assistance under the State plan immediately before becom-  
15 ing a patient in an institution for mental diseases or who  
16 becomes eligible to enroll for such medical assistance while  
17 such a patient, the exclusion specified in the subdivision  
18 (B) following paragraph (29) of the first sentence shall  
19 not be construed as prohibiting Federal financial partici-  
20 pation for medical assistance for items or services that are  
21 provided to the woman outside of the institution during  
22 the period of such eligibility on such basis and through  
23 the end of the month in which the one-year period begin-  
24 ning on the last day of her pregnancy ends to the extent  
25 such items or services would be treated as medical assist-

1 ance for such woman during such period if such woman  
2 were not a patient in the institution.”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graph (2), the amendment made by subsection (a)  
6 shall take effect with respect to medical assistance  
7 provided on or after January 1, 2019.

8 (2) EXCEPTION IF STATE LEGISLATION RE-  
9 QUIRED.—In the case of a State plan under title  
10 XIX of the Social Security Act which the Secretary  
11 of Health and Human Services determines requires  
12 State legislation (other than legislation appro-  
13 priating funds) in order for the plan to meet the ad-  
14 ditional requirements imposed by the amendment  
15 made by paragraph (1), the State plan shall not be  
16 regarded as failing to comply with the requirements  
17 of such title solely on the basis of its failure to meet  
18 these additional requirements before the first day of  
19 the first calendar quarter beginning after the close  
20 of the first regular session of the State legislature  
21 that begins after the date of the enactment of this  
22 Act. For purposes of the previous sentence, in the  
23 case of a State that has a 2-year legislative session,  
24 each year of such session shall be deemed to be a  
25 separate regular session of the State legislature.