

[DISCUSSION DRAFT]

115TH CONGRESS
2^D SESSION

H. R. _____

To amend title XIX of the Social Security Act to provide for a demonstration project to increase substance use provider capacity under the Medicaid program.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ 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 demonstration project to increase substance use provider capacity under the Medicaid program.

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. DEMONSTRATION PROJECT TO INCREASE SUB-**
4 **STANCE USE PROVIDER CAPACITY UNDER**
5 **THE MEDICAID PROGRAM.**

6 Section 1903 of the Social Security Act (42 U.S.C.
7 1396b) is amended by adding at the end the following new
8 subsection:

1 “(aa) DEMONSTRATION PROJECT TO INCREASE SUB-
2 STANCE USE PROVIDER CAPACITY.—

3 “(1) IN GENERAL.—Beginning January 1,
4 2019, the Secretary shall conduct a 5-year dem-
5 onstration project under which the Secretary shall
6 provide to an eligible State (as defined in paragraph
7 (2)(A)) payments, in accordance with paragraph (3),
8 with respect to expenditures by such eligible State
9 for incentives, training, and technical assistance for
10 providers under the State plan (or a waiver of such
11 plan) to expand substance use treatment and recov-
12 ery services for individuals enrolled under such State
13 plan (or waiver), including each of the following ac-
14 tivities:

15 “(A) Activities that support the develop-
16 ment of an assessment of the behavioral health
17 treatment needs of the State to determine the
18 extent to which providers are needed (including
19 the types of such providers and geographic area
20 of need) to improve the network of providers
21 that treat substance use disorders under the
22 State plan (or waiver), including:

23 “(i) An estimate of the number of in-
24 dividuals enrolled under the State plan (or

1 a waiver of such plan) who have a sub-
2 stance use disorder.

3 “(ii) Information on the capacity of
4 providers to provide substance use disorder
5 services to individuals enrolled under the
6 State plan (or waiver), including informa-
7 tion on providers who provide such serv-
8 ices.

9 “(iii) Information on the gap in sub-
10 stance use disorder treatment under the
11 State plan (or waiver) based on the infor-
12 mation described in clauses (i) and (ii).

13 “(iv) Projections regarding the extent
14 to which participating under the dem-
15 onstration project would increase the num-
16 ber of providers offering substance use dis-
17 order services under the State plan (or
18 waiver) during the period of the dem-
19 onstration project.

20 “(B) Activities that, taking into account
21 the results of the assessment described in sub-
22 paragraph (A), support the recruitment, train-
23 ing, and provision of technical assistance for
24 current, new, and prospective participating pro-
25 viders under the State plan (or a waiver of such

1 plan) that specialize in substance use disorder
2 treatment and recovery.

3 “(C) Activities that specifically expand, in-
4 cluding through the provision of incentives, the
5 number of providers participating under the
6 State plan (or waiver) that—

7 “(i) are authorized to dispense drugs
8 approved by the Food and Drug Adminis-
9 tration for individuals with a substance use
10 disorder who need withdrawal management
11 or maintenance treatment for such dis-
12 order;

13 “(ii) have in effect a registration or
14 waiver under section 303(g) of the Con-
15 trolled Substances Act for purposes of dis-
16 pensing narcotic drugs to individuals for
17 maintenance treatment or detoxification
18 treatment and are in compliance with any
19 regulation promulgated by the Assistant
20 Secretary for Mental Health and Sub-
21 stance Use for purposes of carrying out
22 the requirements of such section 303(g);
23 and

24 “(iii) are licensed or certified under
25 applicable State law to provide substance

1 use disorder treatment and recovery serv-
2 ices.

3 “(D) Activities that specifically expand, in-
4 cluding through the provision of incentives, the
5 number of providers participating under the
6 State plan (or waiver) that have the qualifica-
7 tions to address—

8 “(i) the treatment and recovery needs
9 of individuals enrolled under the State plan
10 (or a waiver of such plan) who have neo-
11 natal abstinence syndrome, in accordance
12 with guidelines issued by the American
13 Academy of Pediatrics and American Col-
14 lege of Obstetricians and Gynecologists re-
15 lating to maternal care and infant care
16 with respect to neonatal abstinence syn-
17 drome;

18 “(ii) the treatment and recovery needs
19 of postpartum women and infants, particu-
20 larly the concurrent treatment and com-
21 prehensive case management of
22 postpartum women and infants, enrolled
23 under the State plan (or a waiver of such
24 plan); or

1 “(iii) the treatment and recovery
2 needs of adolescents and young adults be-
3 tween the ages of 12 and 21 enrolled
4 under the State plan (or a waiver of such
5 plan).

6 “(2) ELIGIBLE STATES.—

7 “(A) DEFINITION.—For purposes of this
8 subsection, the term ‘eligible State’ means a
9 State selected by the Secretary under subpara-
10 graph (B).

11 “(B) SELECTION.—For purposes of this
12 subsection, the Secretary shall select 10 States
13 that meet the criteria for eligibility under sub-
14 paragraph (C). In selecting such States, the
15 Secretary shall—

16 “(i) select States in a manner that en-
17 sures geographic diversity;

18 “(ii) give preference to States with a
19 prevalence of substance use disorders (in
20 particular opioid use disorders) that is
21 higher than the national average preva-
22 lence, as measured by aggregate drug
23 overdoses, or any other measure that the
24 Secretary deems appropriate; and

1 “(iii) take into consideration the qual-
2 ity of applications submitted under sub-
3 paragraph (D).

4 “(C) CRITERIA FOR ELIGIBILITY.—To be
5 eligible for selection under subparagraph (B), a
6 State shall—

7 “(i) have a State plan (or waiver of
8 the State plan) approved under this title;
9 and

10 “(ii) submit to the Secretary an appli-
11 cation in accordance with the requirements
12 in subparagraph (D).

13 “(D) APPLICATIONS.—For purposes of this
14 paragraph, a State shall submit to the Sec-
15 retary, at such time and in such form and man-
16 ner as the Secretary requires, an application
17 that includes such information, provisions, and
18 assurances, as the Secretary may require, in ad-
19 dition to the following:

20 “(i) A proposed process for under-
21 taking the assessment described in para-
22 graph (1)(A).

23 “(ii) A proposed process for reviewing
24 reimbursement methodologies and other
25 policies related to substance use disorder

1 services under the State plan (or waiver)
2 that may create barriers to increasing the
3 number of providers delivering substance
4 use disorder services.

5 “(iii) A proposed process for devel-
6 oping a plan that will result in long-term
7 and sustainable provider networks under
8 the State plan (or waiver) that will offer a
9 continuum of care for substance use dis-
10 orders. Such plan shall include the fol-
11 lowing:

12 “(I) Specific activities to increase
13 access to providers (including pro-
14 viders that specialize in providing sub-
15 stance use disorder services, hospitals,
16 health care systems, and Federally
17 qualified health centers) that offer
18 substance use disorder treatment, re-
19 covery, and support services, including
20 short-term detoxification services, out-
21 patient substance use disorder serv-
22 ices, and evidence-based peer recovery
23 services.

24 “(II) Strategies that will
25 incentivize providers described in

1 paragraph (1)(C) to obtain the nec-
2 essary training, education, and sup-
3 port to deliver substance use disorder
4 services in the State.

5 “(III) Milestones and timeliness
6 for implementing activities set forth in
7 the plan.

8 “(IV) Specific measurable targets
9 for increasing the substance use dis-
10 order provider network under the
11 State plan (or a waiver of such plan).

12 “(iv) A proposed process for reporting
13 the information required under paragraph
14 (4)(A), including information dem-
15 onstrating the progress of the efforts of
16 the State to expand the capacity of pro-
17 viders to deliver substance use disorder
18 services during the period of the dem-
19 onstration project under this subsection.

20 “(v) A projected five-year budget for
21 the State to carry out under the dem-
22 onstration project under this subsection
23 the activities set forth in the plan.

24 “(3) PAYMENT.—

1 “(A) IN GENERAL.—For each quarter oc-
2 curring during the period for which the dem-
3 onstration project is conducted, the Secretary
4 shall pay under this subsection, subject to sub-
5 paragraph (B), to each eligible State an amount
6 equal to 90 percent of so much of the sums ex-
7 pended during such quarter as are attributable
8 to activities described in paragraph (1).

9 “(B) NON-DUPLICATION OF PAYMENT.—In
10 the case that payment is made under subpara-
11 graph (A) with respect to expenditures for ac-
12 tivities carried out by an eligible State under
13 the demonstration project under this sub-
14 section, payment may not also be made under
15 subsection (a) with respect to expenditures for
16 the same activities carried out by the eligible
17 State.

18 “(4) REPORTS.—

19 “(A) STATE REPORTS.—A State receiving
20 payments under this subsection shall, for the
21 period of the demonstration project under this
22 subsection, submit to the Secretary a quarterly
23 report, with respect to expenditures for activi-
24 ties for which payment is made to the State
25 under this subsection, on the following:

1 “(i) The specific activities with re-
2 spect to which payment under this sub-
3 section was provided.

4 “(ii) The number of providers that de-
5 livered substance use disorder services in
6 the State under the demonstration project
7 compared to the estimated number of pro-
8 viders that would have otherwise delivered
9 such services in the absence of such dem-
10 onstration project.

11 “(iii) The number of individuals en-
12 rolled under the State plan (or a waiver of
13 such plan) who received substance use dis-
14 order services under the demonstration
15 project compared to the estimated number
16 of such individuals who would have other-
17 wise received such services in the absence
18 of such demonstration project.

19 “(iv) Other matters as determined by
20 the Secretary.

21 “(B) CMS REPORTS.—

22 “(i) INTERIM REPORT.—Not later
23 than October 1, 2022, the Administrator
24 of the Centers for Medicare & Medicaid
25 Services shall submit to Congress an in-

1 terim report on activities carried out under
2 the demonstration project under this sub-
3 section.

4 “(ii) FINAL REPORT.—Not later than
5 October 1, 2024, the Administrator of the
6 Centers for Medicare & Medicaid Services
7 shall submit to Congress a final report on
8 activities carried out under the demonstra-
9 tion project under this subsection.”.