

[DISCUSSION DRAFT]

115TH CONGRESS
2^D 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.

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 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,*

3 **SECTION 1. MEDICAID COVERAGE PROTECTION FOR PREG-**
4 **NANT AND POST-PARTUM WOMEN WHILE RE-**
5 **CEIVING INPATIENT TREATMENT FOR A SUB-**
6 **STANCE USE DISORDER.**

7 (a) MEDICAID COVERAGE.—

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

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

3 (2) EFFECTIVE DATE.—

4 (A) IN GENERAL.—Except as provided in
5 paragraph (2), the amendment made by sub-
6 section (a) shall take effect with respect to
7 medical assistance provided on or after January
8 1, 2019.

9 (B) EXCEPTION IF STATE LEGISLATION
10 REQUIRED.—In the case of a State plan under
11 title XIX of the Social Security Act which the
12 Secretary of Health and Human Services deter-
13 mines requires State legislation (other than leg-
14 islation appropriating funds) in order for the
15 plan to meet the additional requirements im-
16 posed by the amendment made by paragraph
17 (1), the State plan shall not be regarded as fail-
18 ing to comply with the requirements of such
19 title solely on the basis of its failure to meet
20 these additional requirements before the first
21 day of the first calendar quarter beginning after
22 the close of the first regular session of the
23 State legislature that begins after the date of
24 the enactment of this Act. For purposes of the
25 previous sentence, in the case of a State that

1 has a 2-year legislative session, each year of
2 such session shall be deemed to be a separate
3 regular session of the State legislature.

4 (b) GUIDANCE.—Not later than one year after the
5 date of the enactment of this Act, the Secretary of Health
6 and Human Services shall issue guidance to improve care
7 for infants with neonatal abstinence syndrome and their
8 mothers. Such guidance shall include—

9 (1) the types of services, including post-dis-
10 charge services and parenting supports, for mothers
11 and fathers of babies with neonatal abstinence syn-
12 drome that States may cover under the Medicaid
13 program under title XIX of the Social Security Act;

14 (2) best practices from States with respect to
15 innovative or evidenced-based payment models that
16 focus on prevention, screening, treatment, plans of
17 safe care, and post-discharge services for mothers
18 and fathers with substance use disorders and babies
19 with neonatal abstinence syndrome that improve
20 care and clinical outcomes;

21 (3) recommendations for States on available fi-
22 nancing options under the Medicaid program under
23 title XIX of such Act and under the Children's
24 Health Insurance Program under title XXI of such
25 Act for Children's Health Insurance Program

1 Health Services Initiative funds for home visiting
2 services for parents with substance use disorders
3 and infants with neonatal abstinence syndrome; and
4 (4) guidance and technical assistance to State
5 Medicaid agencies regarding additional flexibilities
6 and incentives related to screening, prevention, and
7 post-discharge services, including parenting sup-
8 ports, under contracts with medicaid managed care
9 organizations.

10 (c) GAO STUDY.—Not later than one year after the
11 date of the enactment of this Act, the Comptroller General
12 of the United States shall conduct a study¹, and submit
13 to Congress a report,² addressing gaps in coverage for
14 pregnant women with substance use disorder under the
15 Medicaid program under title XIX of the Social Security
16 Act.