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IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2018

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4 This Act may be cited as the “Reinforcing Evidence-
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115TH CONGRESS 2D SESSION

H. R. 5272

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SEC. 2. ENSURING THAT CERTAIN PROGRAMS AND ACTIVITIES SUPPORTED BY HHS TO PREVENT OR TREAT MENTAL HEALTH OR SUBSTANCE USE DISORDERS ARE EVIDENCE-BASED.

(a) IN GENERAL.—Part P of title III of the Public Health Service Act is amended by inserting after section 399V–6 (42 U.S.C. 280g–17) the following:

“SEC. 399V–7. ENSURING THAT PROGRAMS AND ACTIVITIES TO PREVENT OR TREAT MENTAL HEALTH OR SUBSTANCE USE DISORDERS ARE EVIDENCE-BASED.

“(a) IN GENERAL.—In the case of any applicant for a grant, cooperative agreement, loan, or loan guarantee from the Department of Health and Human Services to be used primarily for a program or activity to implement interventions to prevent or treat a mental health or substance use disorder, the Secretary shall—

“(1) require the applicant to submit materials demonstrating that the program or activity is evidence-based; and

“(2) subject to subsection (d), post such materials on the public website of the Department.

“(b) DELEGATION.—The Secretary shall carry out this section acting through the head of the relevant agency or office within the Department of Health and Human Services.
“(c) Waivers.—

“(1) Standard.—The Secretary may waive the applicability of subsection (a) if the applicant involved demonstrates to the Secretary’s satisfaction that—

“(A) the programs and activities to be funded are emergent or innovative; and

“(B) such programs and activities will contribute to the body of knowledge that is needed for similar programs and activities (such as programs targeting specific populations) to become evidence-based.

“(2) Process; Criteria.—The Secretary shall ensure that—

“(A) the waiver process under this subsection is streamlined and simplified, to the fullest extent possible; and

“(B) the criteria for a waiver do not in any way discourage the funding of emergent or innovative programs or activities.

“(3) Availability of Evidence.—As a condition on receipt of a waiver under paragraph (1), subject to subsection (d), the Secretary shall require the applicant to submit any materials submitted pursuant to such waiver—
“(A) to a federally maintained or recognized registry of evidence-based programs or activities, or to another evidence-based practice resource center, to be made publicly available; or

“(B) to the Secretary to post on the public website of the Department of Health and Human Services.

“(d) PROTECTION OF CONFIDENTIAL COMMERCIAL INFORMATION.—Nothing in this section shall be construed to alter the protections offered by laws governing disclosure of confidential commercial or trade secret information and any other information exempt from disclosure pursuant to section 552(b) of title 5, United States Code.

“(e) DEFINITION.—In this section, the term ‘evidence-based’ means verified or supported by research or practices that—

“(1) are conducted in compliance with rigorous scientific methods in regards to efficacy and effectiveness;

“(2) are published in peer-reviewed journals, where applicable;

“(3) reflect information that existing clinical guidelines or leading professional organizations and
agencies with relevant expertise in the field recognize
as accurate, objective, and complete; or
“(4) demonstrate the effectiveness of a specific
therapy in practice.”.
(b) REGULATIONS.—Not later than 180 days after
the date of enactment of this Act, the Secretary of Health
and Human Services shall promulgate final regulations to
carry out section 399V–7 of the Public Health Service
Act, as added by subsection (a).
(c) APPLICABILITY.—Section 399V–7 of the Public
Health Service Act, as added by subsection (a), applies
to any application for a grant, cooperative agreement,
loan, or loan guarantee described in such section 399V–
7 that is submitted to the Department of Health and
Human Services on or after the date that is 1 year after
the date of enactment of this Act.