[DISCUSSION DRAFT]

115TH CONGRESS 2D 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAID COVERAGE PROTECTION FOR PREGNANT AND POST-PARTUM WOMEN WHILE RECEIVING INPATIENT TREATMENT FOR A SUBSTANCE USE DISORDER.

(a) MEDICAID COVERAGE.—
(1) In general.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by adding at the end the following new sentence: “In the case of a woman who is eligible for medical assistance on the basis of being pregnant (including through the end of the month in which the 60-day period beginning on the last day of her pregnancy ends), who is a patient in an institution for mental diseases for purposes of receiving treatment for a substance use disorder, and who was enrolled for medical assistance under the State plan immediately before becoming a patient in an institution for mental diseases or who becomes eligible to enroll for such medical assistance while such a patient, the exclusion specified in the subdivision (B) following paragraph (29) of the first sentence shall not be construed as prohibiting Federal financial participation for medical assistance for items or services that are provided to the woman outside of the institution during the period of such eligibility on such basis and through the end of the month in which the one-year period beginning on the last day of her pregnancy ends to the extent such items or services would be treated as medical assistance for such
woman during such period if such woman were not
a patient in the institution.”.

(2) EFFECTIVE DATE.—

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

(B) EXCEPTION IF STATE LEGISLATION
REQUIRED.—In the case of a State plan under
title XIX of the Social Security Act which the
Secretary of Health and Human Services deter-
dines requires State legislation (other than leg-
islation appropriating funds) in order for the
plan to meet the additional requirements im-
posed by the amendment made by paragraph
(1), the State plan shall not be regarded as fail-
ing to comply with the requirements of such
title solely on the basis of its failure to meet
these additional requirements before the first
day of the first calendar quarter beginning after
the close of the first regular session of the
State legislature that begins after the date of
the enactment of this Act. For purposes of the
previous sentence, in the case of a State that
has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

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

(1) the types of services, including post-discharge services and parenting supports, for mothers and fathers of babies with neonatal abstinence syndrome that States may cover under the Medicaid program under title XIX of the Social Security Act;

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

(3) recommendations for States on available financing options under the Medicaid program under title XIX of such Act and under the Children’s Health Insurance Program under title XXI of such Act for Children’s Health Insurance Program
Health Services Initiative funds for home visiting services for parents with substance use disorders and infants with neonatal abstinence syndrome; and

(4) guidance and technical assistance to State Medicaid agencies regarding additional flexibilities and incentives related to screening, prevention, and post-discharge services, including parenting supports, under contracts with medicaid managed care organizations.

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