

AMENDMENT TO H.R. 5810
OFFERED BY M

Page 5, after line 9, insert the following:

1 **SEC. 3. REQUIREMENT FOR STATE MEDICAID PLANS TO**
2 **PROVIDE COVERAGE FOR MEDICATION-AS-**
3 **SISTED TREATMENT.**

4 (a) REQUIREMENT FOR STATE MEDICAID PLANS TO
5 PROVIDE COVERAGE FOR MEDICATION-ASSISTED TREAT-
6 MENT.—Section 1902(a)(10)(A) of the Social Security Act
7 (42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter
8 preceding clause (i), by striking “and (28)” and inserting
9 “(28), and (29)”.

10 (b) INCLUSION OF MEDICATION-ASSISTED TREAT-
11 MENT AS MEDICAL ASSISTANCE.—Section 1905(a) of the
12 Social Security Act (42 U.S.C. 1396d(a)) is amended—

13 (1) in paragraph (28), by striking “and” at the
14 end;

15 (2) by redesignating paragraph (29) as para-
16 graph (30); and

17 (3) by inserting after paragraph (28) the fol-
18 lowing new paragraph:

19 “(29) subject to paragraph (2) of subsection
20 (ee), for the period beginning October 1, 2020, and

1 ending September 30, 2025, medication-assisted
2 treatment (as defined in paragraph (1) of such sub-
3 section); and”.

4 (c) MEDICATION-ASSISTED TREATMENT DEFINED;
5 WAIVERS.—Section 1905 of the Social Security Act (42
6 U.S.C. 1396d) is amended by adding at the end the fol-
7 lowing new subsection:

8 “(ee) MEDICATION-ASSISTED TREATMENT.—

9 “(1) DEFINITION.—For purposes of subsection
10 (a)(29), the term ‘medication-assisted treatment’—

11 “(A) means all drugs approved under sec-
12 tion 505 of the Federal Food, Drug, and Cos-
13 metic Act (21 U.S.C. 355), including metha-
14 done, and all biological products licensed under
15 section 351 of the Public Health Service Act
16 (42 U.S.C. 262) to treat opioid use disorders;
17 and

18 “(B) includes, with respect to the provision
19 of such drugs and biological products, coun-
20 seling services and behavioral therapy.

21 “(2) EXCEPTION.—The provisions of paragraph
22 (29) of subsection (a) shall not apply with respect to
23 a State for the period specified in such paragraph,
24 if before the beginning of such period the State cer-
25 tifies to the satisfaction of the Secretary that imple-

1 menting such provisions statewide for all individuals
2 eligible to enroll in the State plan (or waiver of the
3 State plan) would not be feasible by reason of a
4 shortage of qualified providers of medication-assisted
5 treatment, or facilities providing such treatment,
6 that will contract with the State or a managed care
7 entity with which the State has a contract under
8 section 1903(m) or under section 1905(t)(3).”.

9 (d) EFFECTIVE DATE.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 the amendments made by this section shall apply
12 with respect to medical assistance provided on or
13 after October 1, 2020, and before October 1, 2025.

14 (2) EXCEPTION FOR STATE LEGISLATION.—In
15 the case of a State plan under title XIX of the So-
16 cial Security Act (42 U.S.C. 1396 et seq.) that the
17 Secretary of Health and Human Services determines
18 requires State legislation in order for the respective
19 plan to meet any requirement imposed by the
20 amendments made by this section, the respective
21 plan shall not be regarded as failing to comply with
22 the requirements of such title solely on the basis of
23 its failure to meet such an additional requirement
24 before the first day of the first calendar quarter be-
25 ginning after the close of the first regular session of

1 the State legislature that begins after the date of the
2 enactment of this Act. For purposes of the previous
3 sentence, in the case of a State that has a 2-year
4 legislative session, each year of the session shall be
5 considered to be a separate regular session of the
6 State legislature.

Amend the title so as to read: “A bill to amend title XIX of the Social Security Act to provide for an extension of the enhanced FMAP for certain Medicaid health homes for individuals with substance use disorders, and to require States to include under their State Medicaid plans coverage for medication-assisted treatment.”.

