

AMENDMENT BY H.R. 7233
OFFERED BY MR. BURGESS OF TEXAS

Add at the end the following:

1 **SEC. ____ . LIFTING THE IMD EXCLUSION FOR SUBSTANCE**
2 **USE DISORDER AND SERIOUS MENTAL ILL-**
3 **NESS.**

4 (a) **MAKING PERMANENT STATE PLAN AMENDMENT**
5 **OPTION TO PROVIDE MEDICAL ASSISTANCE FOR CERTAIN**
6 **INDIVIDUALS WHO ARE PATIENTS IN CERTAIN INSTITU-**
7 **TIONS FOR MENTAL DISEASES.**—Section 1915(l)(1) of
8 the Social Security Act (42 U.S.C. 1396n(l)(1)) is amend-
9 ed by striking “With respect to calendar quarters begin-
10 ning during the period beginning October 1, 2019, and
11 ending September 30, 2023,” and inserting “With respect
12 to calendar quarters beginning on or after October 1,
13 2019,”.

14 (b) **LENGTHS OF STAY.**—Section 1915(l)(2) of the
15 Social Security Act (42 U.S.C. 1396n(l)(2)) is amended—

16 (1) by striking “30 days” and inserting “45
17 days”; and

18 (2) by adding at the end the following new sen-
19 tence: “Nothing in this paragraph shall be construed
20 as precluding a State from using other authorities,

1 including section 1115, that apply with respect to
2 medical assistance under the State plan under this
3 title, or waiver of such plan, for delivering care in
4 certain institutions for mental diseases with more
5 than 16 beds concurrently with this paragraph and
6 allowing for stays in such institutions for mental dis-
7 eases equal to the combined total lengths of stays
8 permitted under the respective authorities so long as
9 all requirements for such authorities are met.”.

10 (c) CODIFICATION OF STATE MEDICAID DIRECTOR
11 LETTER #18-011.—Beginning on the date of the enact-
12 ment of this Act, the State Medicaid Director Letter #18-
13 011 shall have the force and effect of law, except that in
14 applying such letter, with respect to a State, the State
15 mental health director (or such other similar actor) may
16 allow for up to 45 days for the Statewide average length
17 of stay described in such letter.

