

114TH CONGRESS
1ST SESSION

H. R. 1988

To provide for the waiver of the Medicaid IMD limitation in order to permit Medicaid coverage for substance use disorder treatment services furnished to certain individuals in a community-based institution for mental diseases.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2015

Ms. FUDGE (for herself, Mr. RYAN of Ohio, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the waiver of the Medicaid IMD limitation in order to permit Medicaid coverage for substance use disorder treatment services furnished to certain individuals in a community-based institution for mental diseases.

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. SHORT TITLE.**

4 This Act may be cited as the “Breaking Addiction
5 Act of 2015”.

1 **SEC. 2. MEDICAID WAIVER FOR COMMUNITY-BASED INPA-**
2 **TIENT SUBSTANCE USE DISORDER TREAT-**
3 **MENT.**

4 (a) IN GENERAL.—The Secretary of Health and
5 Human Services shall provide, under the authority of sec-
6 tion 1115(a) of the Social Security Act (42 U.S.C.
7 1315(a)) and in accordance with the procedures for waiv-
8 ers under such section and upon application of a State,
9 for the waiver of the IMD limitation (as defined in sub-
10 section (c)(2)) in order to permit the provision of medical
11 assistance under title XIX of such Act for treatment of
12 a substance use condition for a qualified individual in a
13 community-based institution for mental diseases. To the
14 maximum extent practicable, such a waiver shall be grant-
15 ed to each State that applies and qualifies for such a waiv-
16 er.

17 (b) REPORT TO CONGRESS.—Not later than 4 years
18 after the date waivers are first implemented under sub-
19 section (a) and taking into account the evaluations con-
20 ducted in connection with such waivers, the Secretary shall
21 submit to Congress and make available to the public a re-
22 port on such waivers. The report shall include—

- 23 (1) the findings of such evaluations; and
24 (2) recommendations regarding expanding and
25 making permanent the waiver of the IMD limitation
26 to permit all States to provide the medical assistance

1 described in subsection (a) to all qualified individ-
2 uals.

3 (c) DEFINITIONS.—In this section:

4 (1) COMMUNITY-BASED INSTITUTION FOR MEN-
5 TAL DISEASES.—The term “community-based insti-
6 tution for mental diseases” means an institution for
7 mental diseases (as defined in section 1905(i) of the
8 Social Security Act (42 U.S.C. 1396d(i)) that has
9 not more than 60 beds.

10 (2) IMD LIMITATION.—The term “IMD limita-
11 tion” means the limitation under the subdivision (B)
12 following paragraph (29) of section 1905(a) of the
13 Social Security Act (42 U.S.C. 1396d(a)) on medical
14 assistance furnished to certain patients in an institu-
15 tion for mental diseases.

16 (3) QUALIFIED INDIVIDUAL.—The term “quali-
17 fied individual” means an individual who, because of
18 the individual’s substance use condition, requires
19 substance use disorder treatment and who, but for
20 the IMD limitation, would be eligible for medical as-
21 sistance under title XIX of the Social Security Act
22 (42 U.S.C. 1396 et seq.) for substance use disorder
23 treatment services furnished in a community-based
24 institution for mental diseases.

1 (4) STATE.—The term “State” has the mean-
2 ing given such term for purposes of title XIX of the
3 Social Security Act.

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