

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4978

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## AN ACT

To require the Government Accountability Office to submit to Congress a report on neonatal abstinence syndrome (NAS) in the United States and its treatment under Medicaid, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Nurturing And Sup-  
3 porting Healthy Babies Act” or as the “NAS Healthy Ba-  
4 bies Act”.

5 **SEC. 2. GAO REPORT ON NEONATAL ABSTINENCE SYN-**  
6 **DROME (NAS).**

7 (a) IN GENERAL.—Not later than 1 year after the  
8 date of the enactment of this Act, the Comptroller General  
9 of the United States shall submit to the Committee on  
10 Energy and Commerce of the House of Representatives  
11 and the Committee on Finance and the Committee on  
12 Health, Education, Labor and Pensions of the Senate a  
13 report on neonatal abstinence syndrome (in this section  
14 referred to as “NAS”) in the United States.

15 (b) INFORMATION TO BE INCLUDED IN REPORT.—  
16 Such report shall include information on the following:

17 (1) The prevalence of NAS in the United  
18 States, including the proportion of children born in  
19 the United States with NAS who are eligible for  
20 medical assistance under State Medicaid programs  
21 under title XIX of the Social Security Act at birth  
22 and the costs associated with NAS through such  
23 programs.

24 (2) The services for which coverage is available  
25 under State Medicaid programs for treatment of in-  
26 fants with NAS.



1 riod at the end the following: “, but does not include an  
2 abuse-deterrent formulation of the drug (as determined by  
3 the Secretary), regardless of whether such abuse-deterrent  
4 formulation is an extended release formulation”.

5 (b) EFFECTIVE DATE.—The amendment made by  
6 subsection (a) shall apply to drugs that are paid for by  
7 a State in calendar quarters beginning on or after the date  
8 of the enactment of this Act.

9 **SEC. 4. LIMITING DISCLOSURE OF PREDICTIVE MODELING**  
10 **AND OTHER ANALYTICS TECHNOLOGIES TO**  
11 **IDENTIFY AND PREVENT WASTE, FRAUD, AND**  
12 **ABUSE.**

13 (a) IN GENERAL.—Title XI of the Social Security Act  
14 is amended by inserting after section 1128J (42 U.S.C.  
15 1320a–7k) the following new section:

16 **“SEC. 1128K. DISCLOSURE OF PREDICTIVE MODELING AND**  
17 **OTHER ANALYTICS TECHNOLOGIES TO IDEN-**  
18 **TIFY AND PREVENT WASTE, FRAUD, AND**  
19 **ABUSE.**

20 “(a) REFERENCE TO PREDICTIVE MODELING TECH-  
21 NOLOGIES REQUIREMENTS.—For provisions relating to  
22 the use of predictive modeling and other analytics tech-  
23 nologies to identify and prevent waste, fraud, and abuse  
24 with respect to the Medicare program under title XVIII,  
25 the Medicaid program under title XIX, and the Children’s

1 Health Insurance Program under title XXI, see section  
2 4241 of the Small Business Jobs Act of 2010 (42 U.S.C.  
3 1320a–7m).

4 “(b) LIMITING DISCLOSURE OF PREDICTIVE MOD-  
5 ELING TECHNOLOGIES.—In implementing such provisions  
6 under such section 4241 with respect to covered algo-  
7 rithms (as defined in subsection (c)), the following shall  
8 apply:

9 “(1) NONAPPLICATION OF FOIA.—The covered  
10 algorithms used or developed for purposes of such  
11 section (including by the Secretary or a State (or an  
12 entity operating under a contract with a State))  
13 shall be exempt from disclosure under section  
14 552(b)(3) of title 5, United States Code.

15 “(2) LIMITATION WITH RESPECT TO USE AND  
16 DISCLOSURE OF INFORMATION BY STATE AGEN-  
17 CIES.—

18 “(A) IN GENERAL.—A State agency may  
19 not use or disclose covered algorithms used or  
20 developed for purposes of such section except  
21 for purposes of administering the State plan (or  
22 a waiver of the plan) under the Medicaid pro-  
23 gram under title XIX or the State child health  
24 plan (or a waiver of the plan) under the Chil-  
25 dren’s Health Insurance Program under title

1 XXI, including by enabling an entity operating  
2 under a contract with a State to assist the  
3 State to identify or prevent waste, fraud, and  
4 abuse with respect to such programs.

5 “(B) INFORMATION SECURITY.—A State  
6 agency shall have in effect data security and  
7 control policies that the Secretary finds ade-  
8 quate to ensure the security of covered algo-  
9 rithms used or developed for purposes of such  
10 section 4241 and to ensure that access to such  
11 information is restricted to authorized persons  
12 for purposes of authorized uses and disclosures  
13 described in subparagraph (A).

14 “(C) PROCEDURAL REQUIREMENTS.—  
15 State agencies to which information is disclosed  
16 pursuant to such section 4241 shall adhere to  
17 uniform procedures established by the Sec-  
18 retary.

19 “(c) COVERED ALGORITHM DEFINED.—In this sec-  
20 tion, the term ‘covered algorithm’—

21 “(1) means a predictive modeling or other ana-  
22 lytics technology, as used for purposes of section  
23 4241(a) of the Small Business Jobs Act of 2010 (42  
24 U.S.C. 1320a–7m(a)) to identify and prevent waste,  
25 fraud, and abuse with respect to the Medicare pro-

1       gram under title XVIII, the Medicaid program  
2       under title XIX, and the Children’s Health Insur-  
3       ance Program under title XXI; and

4               “(2) includes the mathematical expressions uti-  
5       lized in the application of such technology and the  
6       means by which such technology is developed.”.

7       (b) CONFORMING AMENDMENTS.—

8               (1) MEDICAID STATE PLAN REQUIREMENT.—  
9       Section 1902(a) of the Social Security Act (42  
10       U.S.C. 1396a(a)) is amended—

11               (A) in paragraph (80), by striking “and”  
12       at the end;

13               (B) in paragraph (81), by striking the pe-  
14       riod at the end and inserting “; and”; and

15               (C) by inserting after paragraph (81) the  
16       following new paragraph:

17               “(82) provide that the State agency responsible  
18       for administering the State plan under this title pro-  
19       vides assurances to the Secretary that the State  
20       agency is in compliance with subparagraphs (A),  
21       (B), and (C) of section 1128K(b)(2).”.

22               (2) STATE CHILD HEALTH PLAN REQUIRE-  
23       MENT.—Section 2102(a)(7) of the Social Security  
24       Act (42 U.S.C. 1397bb(a)(7)) is amended—

1 (A) in subparagraph (A), by striking “,  
2 and” at the end and inserting a semicolon;

3 (B) in subparagraph (B), by striking the  
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following new  
6 subparagraph:

7 “(C) to ensure that the State agency in-  
8 volved is in compliance with subparagraphs (A),  
9 (B), and (C) of section 1128K(b)(2).”.

10 **SEC. 5. MEDICAID IMPROVEMENT FUND.**

11 Section 1941(b)(1) of the Social Security Act (42  
12 U.S.C. 1396w-1(b)(1)) is amended to read as follows:

13 “(1) IN GENERAL.—There shall be available to  
14 the Fund, for expenditures from the Fund for fiscal  
15 year 2021 and thereafter, \$5,000,000.”.

Passed the House of Representatives May 11, 2016.

Attest:

*Clerk.*





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