115TH CONGRESS 2D SESSION

H. R. 5802

To amend title XIX of the Social Security Act to require States to include under their State Medicaid plans coverage for medication-assisted treatment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 15, 2018

Mr. Gene Green of Texas introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to require States to include under their State Medicaid plans coverage for medication-assisted treatment, 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,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Ensuring Complete
- 5 Coverage of Medication-Assisted Treatment Act".

1	SEC. 2. 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) beginning, subject to paragraph (2) of
20	subsection (ee), January 1, 2020, medication-as-
21	sisted treatment (as defined in paragraph (1) of
22	such subsection); and".
23	(c) Medication-Assisted Treatment Defined;
24	Waivers.—Section 1905 of the Social Security Act (42
25	U.S.C. 1396d) is amended by adding at the end the fol-
26	lowing new subsection:

1	"(ee) Medication-Assisted Treatment Defined;
2	Waivers.—
3	"(1) Medication-assisted treatment de-
4	FINED.—For purposes of subsection (a)(29), the
5	term 'medication-assisted treatment'—
6	"(A) means all drugs approved under sec-
7	tion 505 of the Federal Food, Drug, and Cos-
8	metic Act (21 U.S.C. 355), including metha-
9	done, and all biological products licensed under
10	section 351 of the Public Health Service Act
11	(42 U.S.C. 262) to treat substance use dis-
12	orders; and
13	"(B) includes, with respect to the provision
14	of such drugs and biological products, coun-
15	seling services and behavioral therapy.
16	"(2) Waivers.—For purposes of subsection
17	(a)(29), the Secretary may grant a waiver, with re-
18	spect to a State, to delay the application of such
19	subsection if the State submits a waiver request that
20	includes the following:
21	"(A) The reasoning for such waiver.
22	"(B) A timeline for the State to implement
23	the requirement of such subsection.
24	"(C) A review of any prior authorization
25	program and any drug utilization management

program established by the State under the
State plan (or a waiver of such plan) to assess
the types of barriers that individuals encounter
in accessing medication-assisted treatment (as
defined in paragraph (1)) under such plan (or
waiver).

"(D) Any other information that the Secretary may require.".

(d) Effective Date.—

- (1) In General.—Subject to paragraph (2), the amendments made by this section shall take effect with respect to medical assistance provided on or after January 1, 2020.
- (2) Exception for state legislation.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by the amendments made by this section, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement 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 the session shall be considered to be a separate regular session of the State legislature.

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