

117TH CONGRESS
2D SESSION

H. R. 7378

To amend title XIX of the Social Security Act to make permanent the State plan amendment option to provide medical assistance for certain individuals who are patients in certain institutions for mental diseases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2022

Mr. BURGESS 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 make permanent the State plan amendment option to provide medical assistance for certain individuals who are patients in certain institutions for mental diseases, 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. LIFTING THE IMD EXCLUSION FOR SUBSTANCE**

4 **USE DISORDER AND SERIOUS MENTAL ILL-**
5 **NESS.**

6 (a) MAKING PERMANENT STATE PLAN AMENDMENT
7 OPTION TO PROVIDE MEDICAL ASSISTANCE FOR CER-

1 TAIN INDIVIDUALS WHO ARE PATIENTS IN CERTAIN IN-
2 STITUTIONS FOR MENTAL DISEASES.—Section 1915(l)(1)
3 of the Social Security Act (42 U.S.C. 1396n(l)(1)) is
4 amended by striking “With respect to calendar quarters
5 beginning during the period beginning October 1, 2019,
6 and ending September 30, 2023,” and inserting “With re-
7 spect to calendar quarters beginning on or after October
8 1, 2019,”.

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

11 (1) by striking “30 days” and inserting “45
12 days”; and

13 (2) by adding at the end the following new sen-
14 tence: “Nothing in this paragraph shall be construed
15 as precluding a State from using other authorities,
16 including section 1115, that apply with respect to
17 medical assistance under the State plan under this
18 title, or waiver of such plan, for delivering care in
19 certain institutions for mental diseases with more
20 than 16 beds concurrently with this paragraph and
21 allowing for stays in such institutions for mental dis-
22 eases equal to the combined total lengths of stays
23 permitted under the respective authorities so long as
24 all requirements for such authorities are met.”.

1 (c) CODIFICATION OF STATE MEDICAID DIRECTOR
2 LETTER #18-011.—Beginning on the date of the enact-
3 ment of this Act, the State Medicaid Director Letter #18-
4 011 shall have the force and effect of law, except that in
5 applying such letter, with respect to a State, the State
6 mental health director (or such other similar actor) may
7 allow for up to 45 days for the Statewide average length
8 of stay described in such letter.

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