

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

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

7 “(D) Any other information that the Sec-
8 retary may require.”.

9 (d) EFFECTIVE DATE.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 the amendments made by this section shall take ef-
12 fect with respect to medical assistance provided on
13 or after January 1, 2020.

14 (2) EXCEPTION FOR STATE LEGISLATION.—In
15 the case of a State plan under title XIX of the So-
16 cial Security Act (42 U.S.C. 1396 et seq.) that the
17 Secretary of Health and Human Services determines
18 requires State legislation in order for the respective
19 plan to meet any requirement imposed by the
20 amendments made by this section, the respective
21 plan shall not be regarded as failing to comply with
22 the requirements of such title solely on the basis of
23 its failure to meet such an additional requirement
24 before the first day of the first calendar quarter be-
25 ginning after the close of the first regular session of

1 the State legislature that begins after the date of the
2 enactment of this Act. For purposes of the previous
3 sentence, in the case of a State that has a 2-year
4 legislative session, each year of the session shall be
5 considered to be a separate regular session of the
6 State legislature.

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