

114TH CONGRESS  
2D SESSION

# S. 3548

To continue the Medicaid emergency psychiatric demonstration project.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 10 (legislative day, DECEMBER 9), 2016

Mr. CARDIN (for himself, Mr. BLUNT, Ms. COLLINS, and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To continue the Medicaid emergency psychiatric demonstration project.

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. CONTINUATION OF MEDICAID EMERGENCY**  
4 **PSYCHIATRIC DEMONSTRATION PROJECT.**

5 (a) ORIGINAL STATES.—Paragraph (2) of section  
6 2707(d) of Public Law 111–148 (42 U.S.C. 1396a note)  
7 is amended to read as follows:

8 “(2) EXTENSION OF PARTICIPATION ELIGI-  
9 BILITY FOR ORIGINALLY SELECTED STATES.—

10 “(A) IN GENERAL.—

1           “(i) STATE OPTION TO RESUME PAR-  
 2           TICIPATION.—The Secretary shall allow  
 3           any State selected as an eligible State to  
 4           participate in the demonstration project on  
 5           or prior to March 13, 2012, to resume par-  
 6           ticipation in the demonstration project  
 7           upon the request of the State.

8           “(ii) TIMELINE FOR ELECTION AND  
 9           PARTICIPATION.—A State that elects to re-  
 10          sume participation in the demonstration  
 11          project under clause (i) shall—

12                       “(I) make such election before  
 13                       April 1, 2017; and

14                       “(II) resume participation not  
 15                       sooner than July 1, 2018, and not  
 16                       later than December 31, 2018.”.

17          (b) AUTHORITY TO SUBSTITUTE A NEW STATE FOR  
 18          AN ORIGINALLY SELECTED STATE.—Paragraph (2) of  
 19          section 2707(d) of Public Law 111–148 (42 U.S.C. 1396a  
 20          note), as amended by subsection (a), is amended by adding  
 21          at the end the following new subparagraphs:

22                       “(B) AUTHORITY TO REPLACE AN ORIGI-  
 23                       NALLY SELECTED STATE.—

24                       “(i) IN GENERAL.—If any State that  
 25                       was selected to participate in the dem-

1           onstration project on or prior to March 13,  
2           2012, does not elect before April 1, 2017,  
3           to resume the State’s participation in the  
4           demonstration project, the Secretary may  
5           select on a competitive basis another State  
6           to participate in the project.

7           “(ii) TIMELINE FOR PARTICIPATION  
8           BY A REPLACEMENT STATE.—A State se-  
9           lected to participate in the demonstration  
10          project under clause (i) shall begin to par-  
11          ticipate not sooner than July 1, 2018, and  
12          not later than December 31, 2018.

13          “(C) LENGTH OF PARTICIPATION FOR  
14          ORIGINAL AND REPLACEMENT STATES.—A  
15          State that elects to resume participation in the  
16          demonstration project under subparagraph (A)  
17          or is selected to participate under subparagraph  
18          (B) shall be permitted to participate in the  
19          demonstration project for a period of three con-  
20          secutive years, and no State may continue to  
21          participate in the demonstration project after  
22          such period without the approval of Congress in  
23          accordance with subsection (f)(4)(C).

24          “(D) CAP ON NUMBER OF STATES.—In no  
25          event may the number of States authorized to

1           participate in the demonstration project under  
2           this paragraph exceed 12 States.”.

3           (c) FUNDING.—Subsection (e) of section 2707 of  
4 such Act (42 U.S.C. 1396a note) is amended—

5           (1) by amending subparagraph (A) of para-  
6 graph (1) to read as follows:

7                   “(A) IN GENERAL.—Out of any funds in  
8 the Treasury not otherwise appropriated, there  
9 is appropriated to carry out this section—

10                           “(i) \$75,000,000 for fiscal year 2011,  
11 to remain available until expended; and

12                           “(ii) \$75,000,000 for fiscal year 2017,  
13 to remain available through March 31,  
14 2022.”; and

15           (2) by amending paragraph (2) to read as fol-  
16 lows:

17                   “(2) LIMITATION ON PAYMENTS.—In no case  
18 may—

19                           “(A) the aggregate amount of payments  
20 made by the Secretary to eligible States under  
21 this section for the period beginning on July 1,  
22 2018, and ending on December 31, 2021, ex-  
23 ceed \$75,000,000; or

24                           “(B) payments be provided by the Sec-  
25 retary under this section after March 31, 2022,

1           unless a law described in subsection (f)(4)(C) is  
2           in effect.”.

3           (d) PERMANENT AND EXPANSION EVALUATION AND  
4 RECOMMENDATION.—Subsection (f)(4) of section 2707 of  
5 such Act (42 U.S.C. 1396a note) is amended—

6           (1) in subparagraph (A)—

7                   (A) by striking “April 1, 2019” and insert-  
8                   ing “June 30, 2021”; and

9                   (B) by striking “December 31, 2019” and  
10                  inserting “December 31, 2021”;

11           (2) in subparagraph (C), by striking “December  
12           31, 2019” each place it appears and inserting “De-  
13           cember 31, 2021”; and

14           (3) by adding at the end the following new sub-  
15           paragraph:

16                   “(D) COLLECTION OF DATA FROM  
17                   STATES.—The Secretary shall provide each  
18                   State participating in the demonstration project  
19                   with a template of the data needed from the  
20                   State to conduct the evaluation required under  
21                   this paragraph and at least 1 fiscal quarter to  
22                   collect and submit such data.”.

23           (e) CONFORMING AMENDMENTS.—

24           (1) AUTHORITY TO CONDUCT PROJECT.—Sub-  
25           section (a) of section 2707 of such Act (42 U.S.C.

1 1396a note) is amended by inserting “or (d)(2)(B)”  
2 after “subsection (c)”.

3 (2) TECHNICAL CORRECTION TO STABILIZATION  
4 REVIEW REQUIREMENT.—The first sentence of sec-  
5 tion 2707(b) of such Act (42 U.S.C. 1396a note) is  
6 amended to read as follows: “A State shall specify  
7 in its application the mechanism established for en-  
8 suring that institutions participating in the dem-  
9 onstration will determine whether or not such indi-  
10 viduals have been stabilized (as defined in subsection  
11 (h)(5)).”.

12 (3) ELIGIBLE STATE DEFINITION.—Subsection  
13 (c)(1) of section 2707 of such Act (42 U.S.C. 1396a  
14 note) is amended by inserting “and subsection  
15 (d)(2)(B)” after “paragraph (4)”.

16 (4) LENGTH OF PROJECT.—Subsection (d) of  
17 section 2707 of such Act (42 U.S.C. 1396a note) is  
18 amended—

19 (A) in paragraph (1), by striking “para-  
20 graphs (2) and (3)” and inserting “paragraph  
21 (2)”; and

22 (B) by striking paragraphs (3) and (4).

23 (5) FUNDING.—Subsection (e)(4) of section  
24 2707 of such Act (42 U.S.C. 1396a note) is amend-  
25 ed—

1 (A) by striking “an evaluation under sub-  
2 section (f)(1)” and inserting “the evaluations  
3 required under subsection (f)”; and

4 (B) by striking “or (3)”.

5 (f) OFFSET.—From amounts appropriated for the  
6 Prevention and Public Health Fund for fiscal year 2021  
7 under section 4002(b) of the Patient Protection and Af-  
8 fordable Care Act (42 U.S.C. 300u–11(b)), \$75,000,000  
9 shall be rescinded.

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