

**AMENDMENT TO H.R. 5797**  
**OFFERED BY MR. TURNER OF OHIO**

Strike section 2 and insert the following new sections:

1 **SEC. 2. MEDICAID STATE PLAN OPTION TO PROVIDE SERV-**  
2 **ICES FOR CERTAIN INDIVIDUALS WITH**  
3 **OPIOID USE DISORDERS.**

4 Section 1915 of the Social Security Act (42 U.S.C.  
5 1396n) is amended by adding at the end the following new  
6 subsection:

7 “(l) STATE PLAN OPTION TO PROVIDE SERVICES  
8 FOR CERTAIN INDIVIDUALS.—

9 “(1) IN GENERAL.—With respect to calendar  
10 quarters beginning during the period beginning Jan-  
11 uary 1, 2019, and ending December 31, 2023, a  
12 State may elect, through a State plan amendment,  
13 to, notwithstanding section 1905(a), provide medical  
14 assistance, in accordance with the requirements of  
15 this subsection—

16 “(A) for services furnished in institutions  
17 for mental diseases and for other medically nec-  
18 essary services furnished to eligible individuals  
19 with opioid use disorders; and

1           “(B) for opioid use disorder treatment  
2 services furnished to inmates of public institu-  
3 tions.

4           “(2) PAYMENTS.—

5           “(A) IN GENERAL.—Amounts expended  
6 under a State plan amendment under para-  
7 graph (1) for services described in such para-  
8 graph furnished, with respect to a 12-month pe-  
9 riod, to an eligible individual with an opioid use  
10 disorder who is a patient in an institution for  
11 mental diseases, or to an inmate of a public in-  
12 stitution, shall be treated as medical assistance  
13 for which payment is made under section  
14 1903(a) but only to the extent that such serv-  
15 ices are furnished for not more than a period  
16 of 30 days (whether or not consecutive) during  
17 such 12-month period.

18           “(B) CLARIFICATION.—Payment made  
19 under this paragraph for expenditures under a  
20 State plan amendment under this subsection  
21 with respect to services described in paragraph  
22 (1) furnished to an eligible individual with an  
23 opioid use disorder or an inmate of a public in-  
24 stitution shall not affect payment that would  
25 otherwise be made under section 1903(a) for

1 expenditures under the State plan (or waiver of  
2 such plan) for medical assistance for such indi-  
3 vidual or inmate.

4 “(3) INFORMATION REQUIRED IN STATE PLAN  
5 AMENDMENT.—

6 “(A) IN GENERAL.—A State electing to  
7 provide medical assistance pursuant to this sub-  
8 section shall include with the submission of the  
9 State plan amendment under paragraph (1) to  
10 the Secretary—

11 “(i) a plan on how the State will im-  
12 prove access to outpatient care during the  
13 period of the State plan amendment, in-  
14 cluding a description of—

15 “(I) the process by which eligible  
16 individuals with opioid use disorders  
17 will make the transition from receiv-  
18 ing inpatient services in an institution  
19 for mental diseases to appropriate  
20 outpatient care; and

21 “(II) the process the State will  
22 undertake to ensure eligible individ-  
23 uals with opioid use disorders are pro-  
24 vided care in the most integrated set-

1                   ting appropriate to the needs of the  
2                   individuals; and

3                   “(ii) a description of how the State  
4                   plan amendment ensures an appropriate  
5                   clinical screening of eligible individuals  
6                   with opioid use disorders and inmates of  
7                   public institutions, including assessments  
8                   to determine level of care and length of  
9                   stay recommendations based upon the  
10                  multidimensional assessment criteria of the  
11                  American Society of Addiction Medicine.

12                  “(B) REPORT.—Not later than the sooner  
13                  of December 31, 2024, or one year after the  
14                  date of the termination of a State plan amend-  
15                  ment under this subsection, the State shall sub-  
16                  mit to the Secretary a report that includes at  
17                  least—

18                               “(i) the number of—

19                                       “(I) eligible individuals with  
20                                       opioid use disorders who received serv-  
21                                       ices pursuant to such State plan  
22                                       amendment; and

23                                       “(II) inmates of public institu-  
24                                       tions who received services pursuant  
25                                       to such State plan amendment;

1                   “(ii) the length of the stay of each in-  
2                   dividual described in clause (i)(I) in an in-  
3                   stitution for mental diseases; and

4                   “(iii) the type of outpatient treatment,  
5                   including medication-assisted treatment,  
6                   each such individual received after being  
7                   discharged from such institution.

8                   “(4) DEFINITIONS.—In this subsection:

9                   “(A) ELIGIBLE INDIVIDUAL WITH AN  
10                  OPIOID USE DISORDER.—The term ‘eligible in-  
11                  dividual with an opioid use disorder’ means an  
12                  individual who—

13                   “(i) with respect to a State, is en-  
14                   rolled for medical assistance under the  
15                   State plan (or a waiver of such plan);

16                   “(ii) is at least 21 years of age;

17                   “(iii) has not attained 65 years of  
18                   age; and

19                   “(iv) has been diagnosed with at least  
20                   one opioid use disorder.

21                   “(B) INMATE OF A PUBLIC INSTITU-  
22                  TION.—The term ‘inmate of a public institu-  
23                  tion’ has the meaning given such term for pur-  
24                  poses of applying the subdivision (A) following  
25                  paragraph (29) of section 1905(a), taking into

1 account the exception in such subdivision for a  
2 patient of a medical institution.

3 “(C) INSTITUTION FOR MENTAL DIS-  
4 EASES.—The term ‘institution for mental dis-  
5 eases’ has the meaning given such term in sec-  
6 tion 1905(i).

7 “(D) OPIOID PRESCRIPTION PAIN RE-  
8 LIEVER.—The term ‘opioid prescription pain re-  
9 liever’ includes hydrocodone products,  
10 oxycodone products, tramadol products, codeine  
11 products, morphine products, fentanyl products,  
12 buprenorphine products, oxymorphone products,  
13 meperidine products, hydromorphone products,  
14 methadone, and any other prescription pain re-  
15 liever identified by the Assistant Secretary for  
16 Mental Health and Substance Use.

17 “(E) OPIOID USE DISORDER.—The term  
18 ‘opioid use disorder’ means a disorder that  
19 meets the criteria of the Diagnostic and Statis-  
20 tical Manual of Mental Disorders, 4th Edition  
21 (or a successor edition), for heroin use disorder  
22 or pain reliever use disorder (including with re-  
23 spect to opioid prescription pain relievers).

24 “(F) OPIOID USE DISORDER TREATMENT  
25 SERVICES.—The term ‘opioid use disorder

1 treatment services’ means, with respect to an  
2 inmate of a public institution, medication or be-  
3 havioral treatment administered in furtherance  
4 of eliminating, mitigating, treating, or curing  
5 an opioid use disorder of such inmate.

6 “(G) OTHER MEDICALLY NECESSARY  
7 SERVICES.—The term ‘other medically nec-  
8 essary services’ means, with respect to an eligi-  
9 ble individual with an opioid use disorder who  
10 is a patient in an institution for mental dis-  
11 eases, items and services that are provided to  
12 such individual outside of such institution to  
13 the extent that such items and services would  
14 be treated as medical assistance for such indi-  
15 vidual if such individual were not a patient in  
16 such institution.”.

