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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend titles XIX and XXI of the Social Security Act to remove barriers to access to residential substance use disorder treatment services under Medicaid and the Children's Health Insurance Program (CHIP).

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IN THE HOUSE OF REPRESENTATIVES

Mr. FITZPATRICK introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend titles XIX and XXI of the Social Security Act to remove barriers to access to residential substance use disorder treatment services under Medicaid and the Children's Health Insurance Program (CHIP).

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 "Road to Recovery  
5 Act".

1 **SEC. 2. REMOVING BARRIERS TO ACCESS TO RESIDENTIAL**  
2 **SUBSTANCE USE DISORDER TREATMENT**  
3 **SERVICES UNDER MEDICAID AND CHIP.**

4 (a) MEDICAID.—Section 1905 of the Social Security  
5 Act (42 U.S.C. 1396d) is amended—

6 (1) in subsection (a)—

7 (A) by striking “and” at the end of para-  
8 graph (28);

9 (B) by redesignating paragraph (29) as  
10 paragraph (30); and

11 (C) by inserting after paragraph (28) the  
12 following new paragraph:

13 “(29) residential substance use disorder treat-  
14 ment services (as defined in subsection (h)(3)(A));”;

15 (2) in the subparagraph (B) following para-  
16 graph (30), as so redesignated, by inserting after  
17 “an institution for mental diseases” the following:  
18 “(other than with respect to residential substance  
19 use disorder treatment services, as defined in sub-  
20 section (h)(3)(A));” and

21 (3) in subsection (h), by adding at the end the  
22 following new paragraph:

23 “(3)(A) For purposes of subsection (a) and section  
24 2110(b)(2)(A), the term ‘residential substance use dis-  
25 order treatment services’ means, with respect to an indi-  
26 vidual, inpatient services in a residential substance use

1 disorder treatment facility (as defined in subparagraph  
2 (B)) if—

3 “(i) the individual is under 65 years of age; and

4 “(ii) the individual’s continued need for such  
5 services is reviewed and reaffirmed periodically (on  
6 a frequency, specified by the State that is not less  
7 often than every 60 days) based on criteria approved  
8 by the Secretary or established or endorsed by the  
9 State’s single State agency identified in section  
10 1932(b)(1)(A)(ii) of the Public Health Service Act.

11 “(B) In this paragraph, the term ‘residential sub-  
12 stance use disorder treatment facility’ means a facility  
13 that—

14 “(i) is primarily engaged in furnishing inpatient  
15 services in the treatment of substance use disorders;  
16 and

17 “(ii) is accredited as an inpatient nonhospital  
18 facility, inpatient nonhospital detoxification facility,  
19 or residential facility, by a national accrediting orga-  
20 nization recognized by the Secretary for this purpose  
21 and is accredited or licensed by a State accrediting  
22 or licensing agency for substance use disorder treat-  
23 ment.”.

24 (b) CHIP.—Section 2110(b)(2)(A) of the Social Se-  
25 curity Act (42 U.S.C. 1397jj(b)(2)(A)) is amended by in-

1   serting after “an institution for mental diseases” the fol-  
2   lowing: “(other than with respect to residential substance  
3   use disorder treatment services, as defined in section  
4   1905(h)(3)(A))”.

5       (c) EFFECTIVE DATE; CONSTRUCTION.—

6           (1) EFFECTIVE DATE.—The amendments made  
7       by this section shall apply to items and services fur-  
8       nished on or after July 1, 2017.

9           (2) CONSTRUCTION.—Nothing in this section  
10       shall be construed as affecting the availability of  
11       Federal financial participation for medical assistance  
12       under title XIX of the Social Security Act (or for  
13       child health assistance under title XXI of such Act)  
14       for inpatient services furnished, before the amend-  
15       ments made by this section are implemented, in an  
16       inpatient nonhospital facility, inpatient nonhospital  
17       detoxification facility, or residential facility, that is  
18       primarily engaged in furnishing inpatient services in  
19       the treatment of substance use disorder services.