

115TH CONGRESS 2D SESSION

S. 2912

To require the Secretary of Health and Human Services to publish data related to the prevalence of substance use disorders in the Medicaid beneficiary population and the treatment of substance use disorders under Medicaid, and for other purposes.

IN THE SENATE OF THE UNITED STATES

May 22, 2018

Mr. Cassidy (for himself, Mr. Menendez, Mr. Grassley, and Mr. Warner) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require the Secretary of Health and Human Services to publish data related to the prevalence of substance use disorders in the Medicaid beneficiary population and the treatment of substance use disorders under Medicaid, 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 "Opioid Addiction
- 5 Treatment Programs Enhancement Act".

1 SEC. 2. T-MSIS SUBSTANCE USE DISORDER DATA BOOK.

- 2 (a) In General.—Not later than the date that is
- 3 12 months after the date of enactment of this Act, the
- 4 Secretary of Health and Human Services (in this section
- 5 referred to as the "Secretary") shall publish on the public
- 6 website of the Centers for Medicare & Medicaid Services
- 7 a report with comprehensive data on the prevalence of sub-
- 8 stance use disorders in the Medicaid beneficiary popu-
- 9 lation and services provided for the treatment of substance
- 10 use disorders under Medicaid.
- 11 (b) Content of Report.—The report required
- 12 under subsection (a) shall include, at a minimum, the fol-
- 13 lowing data for each State (including, to the extent avail-
- 14 able, for the District of Columbia, Puerto Rico, the Virgin
- 15 Islands, Guam, the Northern Mariana Islands, and Amer-
- 16 ican Samoa):
- 17 (1) The number and percentage of individuals
- enrolled in the State Medicaid plan or waiver of such
- plan in each of the major enrollment categories (as
- defined in a public letter from the Medicaid and
- 21 CHIP Payment and Access Commission to the Sec-
- retary) who have been diagnosed with a substance
- use disorder and whether such individuals are en-
- rolled under the State Medicaid plan or a waiver of
- such plan, including the specific waiver authority

- under which they are enrolled, to the extent available.
 - (2) A list of the substance use disorder treatment services by each major type of service, such as counseling, medication assisted treatment, peer support, residential treatment, and inpatient care, for which beneficiaries in each State received at least 1 service under the State Medicaid plan or a waiver of such plan.
 - (3) The number and percentage of individuals with a substance use disorder diagnosis enrolled in the State Medicaid plan or waiver of such plan who received substance use disorder treatment services under such plan or waiver by each major type of service under paragraph (2) within each major setting type, such as outpatient, inpatient, residential, and other home and community-based settings.
 - (4) The number of services provided under the State Medicaid plan or waiver of such plan per individual with a substance use disorder diagnosis enrolled in such plan or waiver for each major type of service under paragraph (2).
 - (5) The number and percentage of individuals enrolled in the State Medicaid plan or waiver, by

- major enrollment category, who received substance
 use disorder treatment through—
 (A) a medicaid managed care entity (as de
 - fined in section 1932(a)(1)(B) of the Social Security Act (42 U.S.C. 1396u–2(a)(1)(B))), including the number of such individuals who received such assistance through a prepaid inpatient health plan or a prepaid ambulatory health plan;
 - (B) a fee-for-service payment model; or
 - (C) an alternative payment model, to the extent available.
 - (6) The number and percentage of individuals with a substance use disorder who receive substance use disorder treatment services in an outpatient or home and community-based setting after receiving treatment in an inpatient or residential setting, and the number of services received by such individuals in the outpatient or home and community-based setting.
- 21 (c) Annual Updates.—The Secretary shall issue an 22 updated version of the report required under subsection 23 (a) not later than January 1 of each calendar year 24 through 2024.

- 1 (d) USE OF T-MSIS DATA.—The report required
- 2 under subsection (a) and updates required under sub-
- 3 section (c) shall—
- 4 (1) use data and definitions from the Trans-
- 5 formed Medicaid Statistical Information System
- 6 ("T-MSIS") data set that is no more than 12
- 7 months old on the date that the report or update is
- 8 published; and
- 9 (2) as appropriate, include a description with
- respect to each State of the quality and complete-
- 11 ness of the data and caveats describing the limita-
- tions of the data reported to the Secretary by the
- 13 State that is sufficient to communicate the appro-
- priate uses for the information.
- 15 SEC. 3. MAKING T-MSIS DATA ON SUBSTANCE USE DIS-
- 16 ORDERS AVAILABLE TO RESEARCHERS.
- 17 (a) IN GENERAL.—The Secretary of Health and
- 18 Human Services (referred to in this section as the "Sec-
- 19 retary") shall publish in the Federal Register a system
- 20 of records notice for the data specified in subsection (b)
- 21 for the Transformed Medicaid Statistical Information Sys-
- 22 tem, in accordance with section 552a(e)(4) of title 5,
- 23 United States Code. The notice shall outline policies that
- 24 protect the security and privacy of the data that, at a min-

- 1 imum, meet the security and privacy policies of SORN 09–
- 2 70–0541 for the Medicaid Statistical Information System.
- 3 (b) REQUIRED DATA.—The data covered by the sys-
- 4 tems of records notice required under subsection (a) shall
- 5 be sufficient for researchers and States to analyze the
- 6 prevalence of substance use disorders in the Medicaid ben-
- 7 eficiary population and the treatment of substance use dis-
- 8 orders under Medicaid across all States (including the Dis-
- 9 trict of Columbia, Puerto Rico, the Virgin Islands, Guam,
- 10 the Northern Mariana Islands, and American Samoa),
- 11 forms of treatment, and treatment settings.
- 12 (c) Initiation of Data-Sharing Activities.—Not
- 13 later than January 1, 2019, the Secretary shall initiate
- 14 the data-sharing activities outlined in the notice required
- 15 under subsection (a).

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