

118TH CONGRESS
2D SESSION

H. R. 10266

To amend title XIX of the Social Security Act to remove the exclusion from medical assistance under the Medicaid program of items and services for patients in an institution for mental diseases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2024

Mr. TORRES of New York 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 remove the exclusion from medical assistance under the Medicaid program of items and services for patients in an institution for mental diseases, 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 “Repealing the IMD
5 Exclusion Act”.

1 **SEC. 2. REMOVAL OF AGE EXCLUSION FROM MEDICAL AS-**
2 **SISTANCE OF ITEMS AND SERVICES FOR PA-**
3 **TIENTS IN AN INSTITUTION FOR MENTAL DIS-**
4 **EASES.**

5 (a) IN GENERAL.—Section 1905(a) of the Social Se-
6 curity Act (42 U.S.C. 1396d(a)) is amended, in the first
7 sentence, in the matter following paragraph (31)—

8 (1) by striking “such term does not include—
9 ” and all that follows through “(A) any” and insert-
10 ing “such term does not include any”;

11 (2) by striking “; or” and inserting a period;
12 and

13 (3) by striking subparagraph (B).

14 (b) CONFORMING AMENDMENTS TO PERMIT MED-
15 ICAL ASSISTANCE FOR IMD PATIENTS UNDER 65 YEARS
16 OF AGE.—Title XIX of the Social Security Act (42 U.S.C.
17 1396a et seq.) is amended—

18 (1) in section 1902(a)—

19 (A) in paragraph (20)—

20 (i) in the matter preceding subpara-
21 graph (A), by striking “65 years of age or
22 older”; and

23 (ii) in subparagraph (C), by striking
24 “65 years of age or older”; and

25 (B) in paragraph (21) by striking “65
26 years of age or older”;

1 (2) in section 1905(a)(14), by striking “65
2 years of age or over”; and

3 (3) in section 1919(e)(7)(B)(i)(I), by striking
4 “65 years of age or older”.

5 **SEC. 3. REQUIRED STANDARDS FOR IMDS.**

6 Section 1905(i) of the Social Security Act (42 U.S.C.
7 1396d(i)) is amended to read as follows:

8 “(i) INSTITUTION FOR MENTAL DISEASES.—The
9 term ‘institution for mental diseases’ means a hospital,
10 nursing facility, or other institution that—

11 “(1) is primarily engaged in providing diag-
12 nosis, treatment, or care of persons with mental dis-
13 eases, including medical attention, nursing care, and
14 related services; and

15 “(2) meets nationally recognized, evidence-
16 based standards for mental health programs (and, in
17 the case of an institution for mental diseases that
18 provides treatment for substance use disorders,
19 meets nationally recognized, evidence-based stand-
20 ards for substance use disorder programs, such as
21 the latest standards set forth by the American Soci-
22 ety of Addiction Medicine), approved by the Sec-
23 retary, including standards that establish the types
24 of services offered, hours of clinical care, and staff-

1 ing credentials for such an institution, and any other
2 standards as the Secretary may require.”.

3 **SEC. 4. EFFECTIVE DATE.**

4 The amendments made by this Act shall take effect
5 180 days after the date of enactment of this Act and shall
6 apply to State plans beginning on such date.

