

103^D CONGRESS
1ST SESSION

H. R. 1712

To amend title XVI of the Social Security Act to institute certain reforms relating to representative payees and to the provision of supplemental security income benefits to the disabled based on substance abuse, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1993

Mr. THOMAS of California (for himself, Mr. SHAW, Mr. OXLEY, and Mr. LIVINGSTON) introduced the following bill; which was referred jointly to the Committees on Ways and Means and Energy and Commerce

A BILL

To amend title XVI of the Social Security Act to institute certain reforms relating to representative payees and to the provision of supplemental security income benefits to the disabled based on substance abuse, 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 “SSI Disability Reform
5 Act of 1993”.

1 **SEC. 2. REPRESENTATIVE PAYEE REFORMS.**

2 (a) AUTHORITY OF GOVERNMENT AGENCIES TO BE-
3 COME PAID REPRESENTATIVE PAYEES.—Section
4 1631(a)(2)(D)(ii) of the Social Security Act (42 U.S.C.
5 1383(a)(2)(D)(ii)) is amended by adding at the end the
6 following: “The term ‘qualified organization’ also includes
7 any government agency that meets the requirements of
8 items (aa) and (bb) of subclause (II).”.

9 (b) MAXIMUM FEE PAYABLE TO REPRESENTATIVE
10 PAYEES.—Section 1631(a)(2)(D)(i) of such Act (42
11 U.S.C. 1383(a)(2)(D)(i)) is amended by striking “the less-
12 er of—” and all that follows and inserting “10 percent
13 of the monthly benefit involved.”.

14 **SEC. 3. REFORM OF SSI DISABILITY BENEFITS BASED ON**
15 **SUBSTANCE ABUSE.**

16 (a) IN GENERAL.—Section 1611(e)(3) of the Social
17 Security Act (42 U.S.C. 1382(e)(3)) is amended—

18 (1) by striking all that precedes subparagraph
19 (B) and inserting the following:

20 “(3)(A) Notwithstanding paragraphs (1) and (2), a
21 person who (but for this subparagraph) would be an eligi-
22 ble individual or eligible spouse for purposes of this title
23 solely by reason of disability and who is medically deter-
24 mined to be a drug addict or an alcoholic shall not be
25 such an eligible individual or eligible spouse until—

1 “(i) the person, through an outpatient rehabili-
2 tation program, has undergone treatment appro-
3 priate for such condition for 3 months at an institu-
4 tion or facility approved by the Secretary for pur-
5 poses of this paragraph, and has complied with the
6 terms, conditions, and requirements of such treat-
7 ment and with the requirements imposed under sub-
8 paragraph (D); and

9 “(ii) the State in which the person resides de-
10 termines that—

11 “(I) the person has made progress towards
12 recovery, or has recovered; or

13 “(II) if the person has not made progress
14 towards recovery, the person meets such re-
15 quirements established in regulations as the
16 Secretary deems appropriate to effectuate the
17 purposes of this title.”;

18 (2) by redesignating subparagraph (B) as sub-
19 paragraph (D);

20 (3) by inserting after the matter added by para-
21 graph (1) of this subsection the following:

22 “(B) If, after the 3-month treatment period referred
23 to in subparagraph (A)(i), the State determines that the
24 person has not recovered from the condition treated, then,
25 as a condition of receiving benefits under this title by rea-

1 son of disability, the person must continue to comply with
2 the terms, conditions, and requirements of such treatment
3 and with the requirements imposed under subparagraph
4 (D), until recovery.

5 “(C)(i) A person who fails to continue treatment as
6 required by subparagraph (B) shall not be an eligible indi-
7 vidual or an eligible spouse for purposes of this title by
8 reason of disability, until the person has completed 2
9 weeks of such treatment.

10 “(ii) A person who has become an eligible individual
11 or an eligible spouse for purposes of this title by reason
12 of disability after clause (i) has been applied to the person,
13 and who fails to continue treatment as required by sub-
14 paragraph (B), shall not be an eligible individual or an
15 eligible spouse for purposes of this title by reason of dis-
16 ability, until the person has completed 2 months of such
17 treatment.

18 “(iii) A person who has become an eligible individual
19 or an eligible spouse for purposes of this title by reason
20 of disability after clause (ii) has been applied to the per-
21 son, and who fails to continue treatment as required by
22 subparagraph (B), shall not again become an eligible indi-
23 vidual or an eligible spouse for purposes of this title by
24 reason of disability.”; and

25 (4) by adding at the end the following:

1 “(E) The Secretary, in consultation with drug and
2 alcohol treatment professionals, shall develop standards
3 for drug and alcohol treatment programs, and in consulta-
4 tion with States, shall develop guidelines to be used to re-
5 view and evaluate the progress of participants in such
6 programs.”.

7 (b) PRESERVATION OF MEDICAID BENEFITS.—Sec-
8 tion 1634 of such title (42 U.S.C. 1383c) is amended by
9 adding at the end the following:

10 “(e) For purposes of title XIX, each person who is
11 not an eligible individual or an eligible spouse solely by
12 reason of section 1611(e)(3) shall be treated as receiving
13 benefits under this title for so long as such person would
14 be eligible for such benefits in the absence of such
15 section.”.

16 **SEC. 4. MANDATORY MEDICAID COVERAGE OF SUBSTANCE**
17 **ABUSE TREATMENT PROGRAMS FOR DIS-**
18 **ABLED SSI BENEFICIARIES.**

19 (a) IN GENERAL.—Section 1905 of the Social Secu-
20 rity Act (42 U.S.C. 1396d) is amended—

21 (1) in subsection (a)—

22 (A) by striking “and” at the end of para-
23 graph (21),

24 (B) by striking the comma at the end of
25 paragraph (24) and inserting a semicolon,

1 (C) by redesignating paragraphs (22),
2 (23), and (24) as paragraphs (25), (22), and
3 (23), respectively, and by transferring and in-
4 serting paragraph (25) after paragraph (23), as
5 so redesignated, and

6 (D) by inserting after paragraph (23) the
7 following new paragraph:

8 “(24) approved substance abuse treatment serv-
9 ices for certain disabled beneficiaries (as described
10 in subsection (t)(1)); and”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(t)(1) For purposes of subsection (a)(24), approved
14 substance abuse treatment services for certain disabled
15 beneficiaries are services provided to an individual de-
16 scribed in section 1611(e)(3)(A) through a program ap-
17 proved by the Secretary to provide substance abuse treat-
18 ment services for purposes of enabling such individuals to
19 meet the requirements of clause (i) of such section.

20 “(2) No payment shall be made under section
21 1903(a) to a State for medical assistance for approved
22 substance abuse treatment services for certain disabled
23 beneficiaries provided to any individual after the 3-month
24 period that begins on the date the individual first receives
25 such services.”.

1 (b) 100 PERCENT FEDERAL MATCHING RATE.—The
2 first sentence of section 1905(b) of such Act (42 U.S.C.
3 1396d(b)) is amended—

4 (1) by inserting “subject to clause (3),” after
5 “except that (1)”,

6 (2) by striking “and (2)” and inserting “(2)”,
7 and

8 (3) by inserting before the period at the end the
9 following: “, and (3) subject to clause (2), the Fed-
10 eral medical assistance percentage shall be 100 per-
11 cent with respect to expenditures as medical assist-
12 ance for approved substance abuse treatment serv-
13 ices for certain disabled beneficiaries (as described
14 in section 1905(t)(1))”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 1902 of such Act (42 U.S.C.
17 1396a) is amended—

18 (A) in subsection (a)(10)(A) in the matter
19 preceding clause (i), by striking “(17) and
20 (21)” and inserting “(17), (21), and (24)”;

21 (B) in subsection (a)(10)(C)(iv), by strik-
22 ing “through (21)” and inserting “through
23 (24)”;

24 (C) in subsection (j), by striking “through
25 (22)” and inserting “through (25)”.

1 (2) Section 1903(i) of such Act (42 U.S.C.
2 1396b(i)), as amended by section 2(b)(2) of the
3 Medicaid Voluntary Contribution and Provider-Spe-
4 cific Tax Amendments of 1991, is amended—

5 (A) in paragraph (10), by striking all that
6 follows “1927(g)” and inserting a semicolon;

7 (B) by redesignating the paragraph (12)
8 inserted by section 4752(a)(2) of the Omnibus
9 Budget Reconciliation Act of 1990 as para-
10 graph (11), by transferring and inserting it
11 after paragraph (10), and by striking the period
12 at the end and inserting a semicolon;

13 (C) by redesignating the paragraph (14)
14 inserted by section 4752(e) of the Omnibus
15 Budget Reconciliation Act of 1990 as para-
16 graph (12), by transferring and inserting it
17 after paragraph (11), and by striking the period
18 at the end and inserting a semicolon;

19 (D) by redesignating the paragraph (11)
20 inserted by section 4801(e)(16)(A) of the Omni-
21 bus Budget Reconciliation Act of 1990 as para-
22 graph (13), by transferring and inserting it
23 after paragraph (12), and by striking the period
24 at the end and inserting “; or”; and

1 (E) by inserting after paragraph (13), as
2 so redesignated, the following new paragraph:

3 “(14) with respect to any amount expended for
4 medical assistance for approved substance abuse
5 treatment services for certain disabled beneficiaries
6 (as described in section 1905(t)(1)) which are pro-
7 vided in violation of paragraph (2) of section
8 1905(t).”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section apply to payments under title XIX of the So-
11 cial Security Act for calendar quarters beginning on or
12 after the first day of the second calendar quarter that be-
13 gins on or after the date of the enactment of this Act,
14 without regard to whether or not final regulations to carry
15 out such amendments have been promulgated by such
16 date.

17 **SEC. 5. EFFECTIVE DATE.**

18 Except as provided in section 4(d), the amendments
19 made by this Act shall apply to benefits payable for
20 months beginning 90 or more days after the date of the
21 enactment of this Act.

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