

Introduced by

Senators Mathern, J. Lee

Representatives Silbernagel, Hogan, Hofstad

1 A concurrent resolution directing the Legislative Management to study how the institution for
2 mental disease Medicaid reimbursement exclusion impacts this state, including the impact on
3 Medicaid enrollees and on private and public sector providers.

4 **WHEREAS**, Medicaid's institution for mental disease exclusion provides Medicaid does not
5 reimburse psychiatric institutions, referred to in Medicaid as "institutions for mental disease", for
6 services provided to Medicaid enrollees aged 21 to 64; and

7 **WHEREAS**, the services institutions for mental disease provide have evolved significantly
8 since the 1960s when the institution for mental disease exclusion was created; and

9 **WHEREAS**, due to the institution for mental disease exclusion, many Medicaid enrollees
10 with acute psychiatric needs, such as those expressing suicidal or homicidal thoughts, are
11 diverted to general hospital emergency departments, which often lack the resources or
12 expertise to care for these patients; and

13 **WHEREAS**, the institution for mental disease exemption not only negatively impacts the
14 three freestanding psychiatric hospitals in the state, but there are multiple other mental health
15 service providers that are negatively impacted; and

16 **WHEREAS**, the state hospital and private providers are accredited by The Joint
17 Commission on Accreditation on Health Care Facilities providing evidence-based clinical
18 measures that are shown to improve patient care for hospital-based inpatient psychiatric
19 services; and

20 **WHEREAS**, the 2015-17 executive budget includes funding of \$76.2 million, of which
21 \$62.5 million is from the general fund for operations of the state hospital; and

22 **WHEREAS**, the federal Affordable Care Act provided for an emergency psychiatric
23 demonstration program, which provided selected states with federal Medicaid matching funds to
24 reimburse private psychiatric hospitals for emergency inpatient psychiatric care provided to
25 Medicaid recipients aged 21 to 64 who are experiencing a psychiatric emergency; and

1 **WHEREAS**, the federal Department of Health and Human Services is evaluating the
2 demonstration program and has released preliminary data, and in 2016 will be issuing a
3 complete report of the results of the evaluation;

4 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**
5 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

6 That the Legislative Management study how the institution for mental disease Medicaid
7 reimbursement exclusion impacts this state, including the impact on Medicaid enrollees and
8 on private and public sector providers; and

9 **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and
10 recommendations, together with any legislation required to implement the recommendations, to
11 the Sixty-fifth Legislative Assembly.