



# Durbin introduces new compromise legislation to lift IMD Exclusion

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WASHINGTON, D.C. – U.S. Senate Democratic Whip Dick Durbin (D-IL), along with Senators Rob Portman (R-OH), Sherrod Brown (D-OH), and Ben Cardin (D-MD), today introduced new bipartisan legislation to expand Americans’ access to treatment for opioid addiction by lifting the Institutions for Mental Disease (IMD) exclusion. The IMD exclusion is an arcane, decades-old policy that prohibits states from using federal Medicaid dollars to pay for treatment at residential mental health or substance abuse facilities with more than 16 beds. This policy limits access to treatment, hampers behavioral health parity, and prevents many Americans from getting the help they need. Durbin's bipartisan bill would lift this outdated cap, covering all substance-use disorders, so more Americans can access treatment services at these inpatient facilities. Today’s legislation builds off Durbin’s efforts over the past several years to lift the IMD Exclusion and expand access to addiction treatment, including his bipartisan Medicaid CARE Act. The text of today’s measure is [here](#).

“The Medicaid IMD exclusion is an outdated rule that restricts access to treatment for those suffering from opioid addiction in their communities,” Durbin said. “For years, I have fought to lift this roadblock to expand care options for those in need, and this bill is the product of bipartisan thinking to address this epidemic. I urge my colleagues in the Senate and House to support its inclusion in the final opioid legislative package being negotiated in conference.”

“ASAM applauds Senators Portman, Durbin, Cardin and Brown for their commitment to expanding evidence-based, inpatient addiction treatment services,” said American Society of Addiction Medicine president Kelly J. Clark, MD, MBA, DFASAM. “The IMD exclusion has posed a significant obstacle to Medicaid patients with substance use disorder accessing the full continuum of care when clinically appropriate. ASAM is grateful for the work of these Senators for recognizing the need to amend this antiquated policy and crafting legislation that would repeal the IMD exclusion for patients with substance use disorder and require related assessments and levels of care that are based

upon the ASAM Criteria. This bill is a critical step in helping combat this nationwide epidemic, and we look forward to working with Senators Portman, Durbin, Cardin and Brown and the rest of Congress on getting an IMD bill to the desk of President Trump as soon as possible.”

The current IMD Exclusion policy created in 1965 limits Medicaid funding for residential treatment to facilities with just 16 beds or less. The *Improving Coverage for Addiction Recovery Expansion (Improving CARE) Act* would lift this outdated and unnecessary barrier so more Americans can access services at these inpatient facilities, by allowing states to use Medicaid dollars to pay for coverage at accredited residential addiction treatment facilities for up to 90 consecutive days. More specifically, the bill would:

- Expand access to inpatient care for individuals with a diagnosis of substance use disorder, regardless of the size of the facility;
- Limit stays in participating facilities to 90 days;
- Require participating facilities to be:
  - Licensed by their state agency on substance abuse.
  - Have plans for transitioning individuals to outpatient treatment, or other forms of care, after their inpatient stays.
  - Offer medication-assisted therapies onsite and to contract with additional providers, when possible.
- As a condition for expanding access to care, require that state Medicaid programs cover six of the nine ASAM continuum levels of care, in order to ensure coverage continuity after leaving inpatient care; and
- Establish a maintenance of effort for states to maintain their current level of IMD funding as a condition for receiving new IMD funding, in order to target federal dollars towards new services and care.