

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**House Concurrent Resolution No. 28**  
**95TH GENERAL ASSEMBLY**

1943L.02C

2 **Whereas**, good government is the result of laws carefully passed with harmonious  
3 effects that save taxpayer dollars; and

4 **Whereas**, when laws have conflicting effects that result in the waste of tax dollars,  
5 elected officials have a duty to find a remedy, working between branches and levels of  
6 government as necessary; and

7  
8 **Whereas**, the State of Missouri is suffering from economic strain, as is its  
9 Department of Mental Health, which operate acute care mental health hospitals and fund  
10 residential treatment programs for substance abuse, and which mental health hospitals and  
11 substance abuse programs treat patients covered by the federal Medicaid program, but because  
12 of federal law Section 1905(i) of the Social Security Act, 42 U.S.C. Section 1396d(i), relating  
13 to institutions for Mental Diseases (IMD) exclusion, Missouri is unable to receive any matching  
14 federal dollars to help provide care for such patients; and

15  
16 **Whereas**, Congress could rescind Section 1905(i) of the Social Security Act, 42  
17 U.S.C. Section 1396d(i), to allow Missouri to draw down federal financial participation dollars  
18 for the care of mentally ill patients in its mental health hospitals and residential programs for  
19 substance abuse, in order to provide better access and quality of care:

20  
21 **Now, therefore, be it resolved** by the members of the House of  
22 Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate  
23 concurring therein, that:

24  
25 (1) Federal law Section 1905(i) of the Social Security Act, 42 U.S.C. Section 1396d(i),  
26 which prohibits the State of Missouri from drawing down federal financial participation

27 (matching) funds for the care of Medicaid patients suffering from mental illness in its mental  
28 health hospitals and persons in residential treatment programs for substance abuse; and

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30 (2) Congress ought to rescind federal law Section 1905(i) of the Social Security Act, 42  
31 U.S.C. Section 1396d(i), relating to institutions for Mental Diseases (IMD) exclusion; and

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33 **Be it further resolved** that the Chief Clerk of the Missouri House of  
34 Representatives be instructed to prepare properly inscribed copies of this resolution for Barack  
35 Obama, President of the United States; the President of the United States Senate; the Speaker  
36 of the United States House of Representatives; and each member of the Missouri Congressional  
37 delegation.

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