

115TH CONGRESS
1ST SESSION

H. R. 3192

To amend title XXI of the Social Security Act to ensure access to mental health services for children under the Children’s Health Insurance Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2017

Mr. KENNEDY (for himself and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XXI of the Social Security Act to ensure access to mental health services for children under the Children’s Health Insurance Program, 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 “CHIP Mental Health
5 Parity Act”.

1 **SEC. 2. ENSURING ACCESS TO MENTAL HEALTH SERVICES**
2 **FOR CHILDREN UNDER THE CHILDREN'S**
3 **HEALTH INSURANCE PROGRAM.**

4 (a) IN GENERAL.—Section 2103(c)(1) of the Social
5 Security Act (42 U.S.C. 1397cc(c)(1)) is amended by add-
6 ing at the end the following new subparagraph:

7 “(E) Mental health services and substance
8 use disorder services (including behavioral
9 health treatment).”.

10 (b) MENTAL HEALTH SERVICES.—

11 (1) IN GENERAL.—Section 2103(c) of the So-
12 cial Security Act (42 U.S.C. 1397cc(c)) is amend-
13 ed—

14 (A) by redesignating paragraphs (5), (6),
15 (7), and (8) as paragraphs (6), (7), (8), and
16 (9), respectively; and

17 (B) by inserting after paragraph (4) the
18 following new paragraph:

19 “(5) MENTAL HEALTH SERVICES.—The child
20 health assistance provided to a targeted low-income
21 child or pregnant woman shall—

22 “(A) include coverage of mental health
23 services necessary to prevent, diagnose, and
24 treat a broad range of mental health symptoms
25 and disorders, including substance use dis-
26 orders; and

1 “(B) be delivered in a culturally and lin-
2 guistically appropriate manner.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Section 2103(a) of the Social Security
5 Act (42 U.S.C. 1397cc(a)) is amended, in the
6 matter before paragraph (1), by striking “para-
7 graphs (5), (6), and (7)” and inserting “para-
8 graphs (5), (6), (7), and (8)”.

9 (B) Section 2110(b)(5)(A)(i) of the Social
10 Security Act (42 U.S.C. 1397ee(b)(5)(A)(i)) is
11 amended by striking “subsection (c)(5)” and in-
12 serting “subsection (c)(6)”.

13 (c) ASSURING ACCESS TO CARE.—Section
14 2102(a)(7)(B) of the Social Security Act (42 U.S.C.
15 1397bb(c)(2)) is amended by striking “section
16 2103(c)(5)” and inserting “paragraphs (5) and (6) of sec-
17 tion 2103(c)”.

18 (d) MENTAL HEALTH SERVICES PARITY.—Subpara-
19 graph (A) of paragraph (7) of section 2103(c) of the So-
20 cial Security Act (42 U.S.C. 1397cc(c)) (as redesignated
21 by subsection (b)(1)) is amended to read as follows:

22 “(A) IN GENERAL.—A State child health
23 plan shall ensure that the financial require-
24 ments and treatment limitations applicable to
25 mental health or substance use disorder benefits

1 provided under such plan comply with the re-
2 quirements of section 2705(a) of the Public
3 Health Service Act in the same manner as such
4 requirements or limitations apply to a group
5 health plan under such section.”.

6 (e) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 the amendments made by this section shall take ef-
9 fect on October 1, 2017.

10 (2) EXCEPTION FOR STATE LEGISLATION.—In
11 the case of a State child health plan under title XXI
12 of the Social Security Act (or a waiver of such plan),
13 which the Secretary of Health and Human Services
14 determines requires State legislation in order for the
15 respective plan (or waiver) to meet any requirement
16 imposed by the amendments made by this section,
17 the respective plan (or waiver) shall not be regarded
18 as failing to comply with the requirements of such
19 title solely on the basis of its failure to meet such
20 an additional requirement before the first day of the
21 first calendar quarter beginning after the close of
22 the first regular session of the State legislature that
23 begins after the date of enactment of this section.
24 For purposes of the previous sentence, in the case
25 of a State that has a 2-year legislative session, each

- 1 year of the session shall be considered to be a sepa-
- 2 rate regular session of the State legislature.

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