

Union Calendar No. 569

115TH CONGRESS
2^D SESSION

H. R. 3192

[Report No. 115–734]

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

JUNE 12, 2018

Additional sponsors: Ms. KELLY of Illinois, Mr. BEN RAY LUJÁN of New Mexico, Mr. TONKO, Mr. RUSH, Ms. BARRAGÁN, Mr. COHEN, Mr. ENGEL, Mr. KHANNA, Ms. MATSUI, Ms. CLARK of Massachusetts, Mr. MEEHAN, Ms. TSONGAS, Mr. SOTO, Mr. RYAN of Ohio, Mr. LANCE, Mr. DESAULNIER, Mr. SEAN PATRICK MALONEY of New York, Ms. SHEA-PORTER, Mrs. BLACKBURN, Mr. WALDEN, and Mr. MITCHELL

JUNE 12, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 12, 2017]

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”.*

6 **SEC. 2. ENSURING ACCESS TO MENTAL HEALTH AND SUB-**
 7 **STANCE USE DISORDER SERVICES FOR CHIL-**
 8 **DREN AND PREGNANT WOMEN UNDER THE**
 9 **CHILDREN’S HEALTH INSURANCE PROGRAM.**

10 *(a) IN GENERAL.—Section 2103(c)(1) of the Social Se-*
 11 *curity Act (42 U.S.C. 1397cc(c)(1)) is amended by adding*
 12 *at the end the following new subparagraph:*

13 *“(E) Mental health and substance use dis-*
 14 *order services (as defined in paragraph (5)).”.*

15 *(b) MENTAL HEALTH AND SUBSTANCE USE DISORDER*
 16 *SERVICES.—*

17 *(1) IN GENERAL.—Section 2103(c) of the Social*
 18 *Security Act (42 U.S.C. 1397cc(c)) is amended—*

19 *(A) by redesignating paragraphs (5), (6),*
 20 *(7), and (8) as paragraphs (6), (7), (8), and (9),*
 21 *respectively; and*

22 *(B) by inserting after paragraph (4) the fol-*
 23 *lowing new paragraph:*

24 *“(5) MENTAL HEALTH AND SUBSTANCE USE DIS-*
 25 *ORDER SERVICES.—In the case of a State that pro-*

vides child health assistance for targeted low-income children or targeted low-income pregnant women (as defined in section 2112(d)) in the form of providing any health benefits coverage described in subsection (a), such child health assistance shall—

“(A) include coverage of mental health services (including behavioral health treatment) necessary to prevent, diagnose, and treat a broad range of mental health symptoms and disorders, including substance use disorders; and

“(B) be delivered in a culturally and linguistically appropriate manner.”.

(2) CONFORMING AMENDMENTS.—

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

(B) Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)) is amended—

(i) in paragraph (18), by striking “substance abuse” each place it appears and inserting “substance use”; and

1 (ii) in paragraph (19), by striking
2 “substance abuse” and inserting “substance
3 use”.

4 (C) Section 2110(b)(5)(A)(i) of the Social
5 Security Act (42 U.S.C. 1397jj(b)(5)(A)(i)) is
6 amended by striking “subsection (c)(5)” and in-
7 serting “subsection (c)(6)”.

8 (c) ASSURING ACCESS TO CARE.—Section
9 2102(a)(7)(B) of the Social Security Act (42 U.S.C.
10 1397bb(c)(2)) is amended by striking “section 2103(c)(5)”
11 and inserting “paragraphs (5) and (6) of section 2103(c)”.

12 (d) MENTAL HEALTH SERVICES PARITY.—Subpara-
13 graph (A) of paragraph (7) of section 2103(c) of the Social
14 Security Act (42 U.S.C. 1397cc(c)) (as redesignated by sub-
15 section (b)(1)) is amended to read as follows:

16 “(A) IN GENERAL.—A State child health
17 plan shall ensure that the financial requirements
18 and treatment limitations applicable to mental
19 health and substance use disorder services (as de-
20 scribed in paragraph (5)) provided under such
21 plan comply with the requirements of section
22 2726(a) of the Public Health Service Act in the
23 same manner as such requirements or limita-
24 tions apply to a group health plan under such
25 section.”.

1 (e) *EFFECTIVE DATE.*—

2 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
3 *amendments made by this section shall take effect*
4 *with respect to child health assistance provided on or*
5 *after the date that is one year after the date of the*
6 *enactment of this Act.*

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

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