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(e)(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

provided under such plan comply with the requirements of section 2705(a) of the Public

Health Service Act in the same manner as such

requirements or limitations apply to a group

health plan under such section.".

(e) Effective Date.—

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- (1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on October 1, 2017.
- (2) Exception for state legislation.—In the case of a State child health plan under title XXI of the Social Security Act (or a waiver of such plan), which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan (or waiver) to meet any requirement imposed by the amendments made by this section, the respective plan (or waiver) shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this section. For purposes of the previous sentence, in the case 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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