

117TH CONGRESS
1ST SESSION

S. 2112

To amend title XVIII of the Social Security Act and the SUPPORT for Patients and Communities Act to provide for Medicare and Medicaid mental and behavioral health treatment through telehealth.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act and the SUPPORT for Patients and Communities Act to provide for Medicare and Medicaid mental and behavioral health treatment through telehealth.

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 “Enhance Access to
5 Support Essential Behavioral Health Services Act” or the
6 “EASE Behavioral Health Services Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds as follows:

1 (1) Nearly 18 percent of adults in the United
2 States reported a mental, behavioral, or emotional
3 disorder in 2015.

4 (2) Children are also significantly impacted. Ac-
5 cording to the Centers for Disease Control and Pre-
6 vention, 1 in 6 children ages 2 years through 8 years
7 have a diagnosed mental, behavioral, or develop-
8 mental disorder, indicating that disorders begin in
9 early childhood and affect lifelong health.

10 (3) Moreover, 1 in 7 children and adolescents
11 have at least one treatable mental health disorder.

12 (4) There is a critical link between mental
13 health and substance use disorders. According to the
14 Substance Abuse and Mental Health Services Ad-
15 ministration, 1 in 4 adults with severe mental illness
16 had a substance use disorder in 2017.

17 (5) Moreover, children who have had a major
18 depressive episode are more than twice as likely to
19 use illicit drugs.

20 (6) In 2017, approximately 19.7 million people
21 aged 12 years or older had a substance use disorder
22 related to their use of alcohol or illicit drugs in the
23 past year.

1 (7) Despite this overwhelming need, access to
2 behavioral health services remains among the most
3 pressing health care challenges in our country.

4 (8) An estimated 56 percent of Americans with
5 a mental health disorder did not receive treatment in
6 2017.

7 (9) Similarly, half of children and adolescents
8 did not receive treatment for their mental health dis-
9 order in 2016.

10 (10) Further complicating access to care, as de-
11 mand for behavioral health services increases in
12 communities across the United States, the number
13 of psychiatrists available to treat them continues to
14 decline.

15 (11) The population of practicing psychiatrists
16 declined by more than 10 percent between the period
17 of 2003 through 2013, while the population of pri-
18 mary care physicians and neurologists grew during
19 the same period.

20 (12) Technology has evolved to connect individ-
21 uals to health care services in new ways, including
22 via telehealth.

23 (13) Moreover, studies show that video visits
24 are an effective strategy to provide mental health

1 treatment to children and, in fact, may be preferable
 2 in some cases.

3 (14) During the 115th Congress, Congress rec-
 4 ognized the potential of telehealth to ensure that
 5 those in urgent need of substance use disorder treat-
 6 ment receive the care they require.

7 (15) As passed and signed into law, sections
 8 2001 and 1009 of the SUPPORT for Patients and
 9 Communities Act (Public Law 115–271) expands
 10 the use of telehealth services for the treatment of
 11 opioid use disorder and other substance use dis-
 12 orders.

13 (16) It is widely recognized that there is a close
 14 relationship between mental health and substance
 15 use disorders.

16 **SEC. 3. MEDICARE TREATMENT OF BEHAVIORAL HEALTH**
 17 **SERVICES FURNISHED THROUGH TELE-**
 18 **HEALTH.**

19 Section 1834(m) of the Social Security Act (42
 20 U.S.C. 1395m(m)) is amended—

21 (1) in paragraph (4)(C)—

22 (A) in clause (i), by striking “and (7)” and
 23 inserting “(7), and (9)”; and

24 (B) in clause (ii)(X)—

1 (i) by striking “or telehealth services”
 2 and inserting “, telehealth services”; and
 3 (ii) by inserting “or telehealth services
 4 described in paragraph (9)” before the pe-
 5 riod at the end; and

6 (2) by adding at the end the following new
 7 paragraph:

8 “(9) TREATMENT OF BEHAVIORAL HEALTH
 9 SERVICES FURNISHED THROUGH TELEHEALTH.—

10 The geographic requirements described in paragraph
 11 (4)(C)(i) shall not apply with respect to telehealth
 12 services that are behavioral health services furnished
 13 on or after January 1, 2022, to eligible telehealth in-
 14 dividuals, including initial patient evaluations, fol-
 15 low-up medical management, and other behavioral
 16 health services, as determined by the Secretary, at
 17 an originating site described in paragraph (4)(C)(ii)
 18 (other than an originating site described in sub-
 19 clause (IX) of such paragraph).”.

20 **SEC. 4. MEDICAID MENTAL AND BEHAVIORAL HEALTH**
 21 **TREATMENT THROUGH TELEHEALTH.**

22 Section 1009 of the SUPPORT for Patients and
 23 Communities Act (Public Law 115–271) is amended—

24 (1) in subsection (b)—

(A) in the header, by striking “TREATMENT FOR SUBSTANCE USE DISORDERS” and inserting “TREATMENT FOR SUBSTANCE USE DISORDERS AND MENTAL HEALTH DISORDERS AND BEHAVIORAL HEALTH DISORDERS”;

(B) in the matter preceding paragraph (1), by striking “Not later than 1 year after the date of enactment of this Act, the Secretary” and inserting “The Secretary”;

(C) in paragraph (1)—

(i) by striking “treatment for substance use disorders” and inserting “treatment for substance use disorders and mental health disorders and behavioral health disorders”; and

(ii) by inserting “psychotherapy,” after “counseling,”;

(D) in paragraph (2), by inserting “or mental health disorders and behavioral health disorders” after “substance use disorders”;

(E) in paragraph (3), by inserting “and mental health disorders and behavioral health disorders” after “substance use disorders”; and

(F) by adding at the end, below and after paragraph (3), the following flush left text:

1 “The Secretary shall issue the guidance under this sub-
 2 section not later than 1 year after the date of the enact-
 3 ment of this Act, with respect to the matters described
 4 in the previous provisions of this subsection relating to
 5 substance use disorders, and not later than 2 years after
 6 the date of the enactment of this Act, with respect to the
 7 matters described in such previous provisions relating to
 8 mental health disorders and behavioral health disorders.”;

9 (2) in subsection (c)—

10 (A) in the header, by striking “TREAT-
 11 MENT FOR SUBSTANCE USE DISORDERS” and
 12 inserting “TREATMENT FOR SUBSTANCE USE
 13 DISORDERS AND MENTAL HEALTH DISORDERS
 14 AND BEHAVIORAL HEALTH DISORDERS”;

15 (B) in paragraph (1), by striking “treat-
 16 ment for substance use disorders” and inserting
 17 “treatment for substance use disorders and
 18 mental health disorders and behavioral health
 19 disorders” each place it appears; and

20 (C) in paragraph (2)—

21 (i) by inserting “with respect to sub-
 22 stance use disorders,” after “paragraph
 23 (1),”; and

24 (ii) by adding at the end the following
 25 new sentence: “Not later than 2 years

1 after the date of enactment of this Act, the
2 Comptroller General shall submit to Con-
3 gress a report containing the results of the
4 evaluation conducted under paragraph (1),
5 with respect to mental health disorders and
6 behavioral health disorders, together with
7 recommendations for such legislation and
8 administrative action as the Comptroller
9 General determines appropriate.”; and

10 (3) in subsection (d)(1)—

11 (A) in the matter preceding subparagraph
12 (A), by inserting “and mental health disorders
13 and behavioral health disorders” after “sub-
14 stance use disorders”;

15 (B) in subparagraph (A), by inserting “,
16 and mental health disorders and behavioral
17 health disorders” after “opioid use disorder”;
18 and

19 (C) in subparagraph (B), by inserting
20 “and mental health disorders and behavioral
21 health disorders” after “substance use dis-
22 orders”.

1 **SEC. 5. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 as is included in the enactment of the SUPPORT for Pa-
4 tients and Communities Act.

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