

117TH CONGRESS
2D SESSION

S. 3688

To authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration, to award grants, contracts, or cooperative agreements to facilitate the funding of community-based mental health and substance use disorder services and peer support programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2022

Mr. WARNOCK (for himself, Ms. STABENOW, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration, to award grants, contracts, or cooperative agreements to facilitate the funding of community-based mental health and substance use disorder services and peer support programs, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improving Access to
3 Tele-Behavioral Health Services Act”.

4 **SEC. 2. AWARDS FOR COMMUNITY-BASED MENTAL HEALTH**
5 **AND SUBSTANCE USE DISORDER SERVICES**
6 **AND PEER SUPPORT PROGRAMS.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary of Health
9 and Human Services (referred to in this section as the
10 “Secretary”), acting through the Director of the Center
11 for Mental Health Services of the Substance Abuse and
12 Mental Health Services Administration, shall establish a
13 program (in this Act referred to as the “Program”) to
14 facilitate the funding of community-based mental health
15 and substance use disorder services and peer support pro-
16 grams, including services provided virtually.

17 (b) AWARD AUTHORITY.—In carrying out the Pro-
18 gram, the Secretary shall award grants, contracts, or co-
19 operative agreements in accordance with this section.

20 (c) ELIGIBLE RECIPIENTS.—The Secretary may
21 make an award under the Program to an eligible recipient
22 determined by the Secretary to be authorized and capable
23 of carrying out a project described in subsection (d).

24 (d) USE OF FUNDS.—Funds awarded under the Pro-
25 gram may be used to—

1 (1) identify and coordinate care between pro-
2 grams that provide access to community-based men-
3 tal health and substance use disorder services for ju-
4 veniles and assist in the coordination of such serv-
5 ices;

6 (2) identify and coordinate care between pro-
7 grams that provide access to community-based men-
8 tal health and substance use disorder services for
9 adults and assist in the coordination of such serv-
10 ices;

11 (3) obtain technology required to provide com-
12 munity-based mental health and substance use dis-
13 order services virtually, through audio or video tele-
14 health services;

15 (4) compensate a health care provider or a peer
16 specialist for the provision of community-based men-
17 tal health and substance use disorder services, in-
18 cluding services provided virtually;

19 (5) provide education assistance to an indi-
20 vidual seeking certification as a peer specialist;

21 (6) provide for workforce development, recruit-
22 ment, and retention activities, to train, recruit, and
23 retain peer specialists;

24 (7) support the provision of peer specialist-fa-
25 cilitated mental health and substance use disorder

1 support services on a virtual platform by an entity
2 that, prior to the award, was providing such services
3 in-person; or

4 (8) expand or improve virtual, peer specialist-
5 facilitated mental health and substance use disorder
6 support services carried out by the entity prior to
7 the date of enactment of this Act.

8 (e) APPLICATIONS.—To be eligible for an award
9 under the Program, an eligible recipient shall submit to
10 the Secretary an application in such form, at such time,
11 and containing such information as the Secretary deter-
12 mines to be appropriate.

13 (f) GUIDANCE.—Not later than 90 days after the
14 date of the enactment of this Act, the Secretary shall issue
15 guidance on the requirements an eligible recipient shall
16 take to provide community-based mental health and sub-
17 stance use disorder services.

18 (g) SUPPLEMENT NOT SUPPLANT.—Federal funds
19 awarded to an eligible recipient pursuant to the Program
20 shall be used to supplement, but not supplant, any other
21 Federal, State, or local funds available to such eligible re-
22 cipient.

23 (h) REPORT.—

24 (1) REPORT.—Not later than 90 days after the
25 date on which funds are distributed under the Pro-

1 gram, and annually thereafter, the Secretary shall
2 submit to Congress a report on the Program that in-
3 cludes—

4 (A) the number of awards made under the
5 Program;

6 (B) the physical location of each awardee
7 selected under the Program;

8 (C) the amount requested and amount
9 awarded for each award under the Program;
10 and

11 (D) whether funds were used during the
12 COVID–19 public health emergency.

13 (2) PUBLICATION REQUIREMENT.—On the date
14 on which a report is submitted under paragraph (1)
15 or (2), the Secretary shall publish such report on the
16 website of the Department of Health and Human
17 Services.

18 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out the Program
20 \$5,000,000 for each of fiscal years 2023 through 2027.

21 (j) DEFINITIONS.—In this section:

22 (1) COVID–19 PUBLIC HEALTH EMERGENCY.—
23 The term “COVID–19 public health emergency”
24 means the public health emergency declared by the
25 Secretary of Health and Human Services under sec-

tion 319 of the Public Health Service Act (42 U.S.C. 247d) on January 27, 2020, with respect to COVID–19.

(2) ELIGIBLE RECIPIENT.—The term “eligible recipient” means—

(A) a department of health or a department of public health, in coordination with a State;

(B) a nonprofit health program that primarily serves individuals with mental health or substance abuse disorders;

(C) community-based nonprofit entity, that is a consumer-controlled and is certified in accordance with applicable State law to deliver peer specialist support services at a State or local level;

(D) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), providing service learning and civic-engagement courses for peer specialist training;

(E) a State or local law enforcement agency or other State first responder agency; or

(F) an Indian Tribe or Tribal organization.

1 (3) HEALTH CARE PROVIDER.—The term
 2 “health care provider” means a certified provider
 3 who provides mental health and substance use dis-
 4 order services.

5 (4) INDIAN TRIBE; TRIBAL ORGANIZATION.—
 6 The terms “Indian Tribe” and “Tribal organiza-
 7 tion” have the meanings given the terms “Indian
 8 tribe” and “tribal organization” in section 4 of the
 9 Indian Self-Determination and Education Assistance
 10 Act (25 U.S.C. 5304).

11 (5) PEER SPECIALIST.—The term “peer spe-
 12 cialist” includes—

- 13 (A) a certified peer specialist;
- 14 (B) a peer recovery specialist; and
- 15 (C) a recovery coach.

16 (6) STATE.—The term “State” means a State
 17 of the United States, the District of Columbia, or
 18 any commonwealth, territory, or possession of the
 19 United States, or an Indian Tribe.

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