

117TH CONGRESS
2D SESSION

S. 3704

To amend the Public Health Service Act to authorize the Secretary of Health and Human Services to award grants, contracts, or cooperative agreements to schools and school-based health centers to increase the number of behavioral health care providers in such schools and health centers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2022

Mr. WARNOCK (for himself, Ms. HASSAN, Ms. STABENOW, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Public Health Service Act to authorize the Secretary of Health and Human Services to award grants, contracts, or cooperative agreements to schools and school-based health centers to increase the number of behavioral health care providers in such schools and health centers, 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 “Advancing Student
5 Services In Schools Today Act” or the “ASSIST Act”.

1 **SEC. 2. PROGRAM TO INCREASE MENTAL HEALTH AND**
2 **SUBSTANCE USE DISORDER CARE PRO-**
3 **VIDERS IN SCHOOLS AND SCHOOL-BASED**
4 **HEALTH CENTERS.**

5 Subpart I of part D of title III of the Public Health
6 Service Act (42 U.S.C. 254b et seq.) is amended by adding
7 at the end the following:

8 **“SEC. 3300. PROGRAM TO INCREASE MENTAL HEALTH AND**
9 **SUBSTANCE USE DISORDER CARE PRO-**
10 **VIDERS IN SCHOOLS AND SCHOOL-BASED**
11 **HEALTH CENTERS.**

12 “(a) IN GENERAL.—Not later than 3 months after
13 the date of enactment of this section, the Secretary, in
14 consultation with the Secretary of Education, shall award
15 grants, contracts, or cooperative agreements to eligible en-
16 tities to increase the number of mental health and sub-
17 stance use disorder care providers in schools and health
18 centers served by such entities.

19 “(b) APPLICATION.—An eligible entity seeking an
20 award under this section shall submit an application to
21 the Secretary at such time, in such manner, and con-
22 taining such information as the Secretary may require, in-
23 cluding a description of—

24 “(1) the mental health and substance use dis-
25 order needs of the student population served by the
26 eligible entity; and

1 “(2) with respect to the student population
 2 served by the eligible entity, how the eligible entity
 3 will ensure that the mental health and substance use
 4 disorder care providers supported by the eligible en-
 5 tity, and the services administered by such pro-
 6 viders, are culturally competent and linguistically
 7 appropriate.

8 “(c) REPORTING.—

9 “(1) ELIGIBLE ENTITY REPORTING.—Eligible
 10 entities receiving an award under this section shall
 11 submit an annual report to the Secretary accom-
 12 panied by such information as the Secretary may re-
 13 quire, including—

14 “(A) the number of mental health and sub-
 15 stance use disorder care providers working at
 16 the schools or health centers served by the eligi-
 17 ble entity, and the number of such providers
 18 supported through the award;

19 “(B) the types of services provided by the
 20 mental health and substance use disorder care
 21 providers and the efficacy of such services;

22 “(C) the practices used by the schools or
 23 health centers served by the eligible entity to
 24 recruit and retain mental health and substance
 25 use disorder care providers; and

1 “(D) the rates of retention of mental
2 health and substance use disorder care pro-
3 viders at the school or health center.

4 “(2) SECRETARY.—Not later than 18 months
5 after the date of enactment of this section, and an-
6 nually thereafter, the Secretary shall submit to Con-
7 gress a report on the effectiveness of the awards
8 under this section.

9 “(d) DEFINITIONS.—In this section:

10 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a local educational agency, as defined
13 in section 8101 of the Elementary and Sec-
14 ondary Education Act of 1965;

15 “(B) an institution of higher education (as
16 defined in section 101 of the Higher Education
17 Act of 1965);

18 “(C) a school operated by the Bureau of
19 Indian Affairs; or

20 “(D) a school-based health center, as de-
21 fined in section 399Z–1(a)(3).

22 “(2) MENTAL HEALTH AND SUBSTANCE USE
23 DISORDER CARE PROVIDER.—The term ‘behavioral
24 health care provider’ means an individual who is li-

1 censed to provide mental and behavioral health serv-
 2 ices, including—

3 “(A) a school counselor;

4 “(B) a school psychologist or any other
 5 psychologist;

6 “(C) a psychiatrist who specializes in child
 7 or adolescent psychiatry;

8 “(D) a school social worker; and

9 “(E) other providers, as the Secretary de-
 10 termines appropriate.”.

11 **SEC. 3. INCREASING THE APPLICABLE FMAP FOR STATE**
 12 **EXPENDITURES ATTRIBUTABLE TO CERTAIN**
 13 **BEHAVIORAL HEALTH SERVICES.**

14 Section 1905 of the Social Security Act (42 U.S.C.
 15 1396d) is amended—

16 (1) in subsection (b), by striking “and (ii)” and
 17 inserting “(ii), and (jj)”; and

18 (2) by adding at the end the following new sub-
 19 section:

20 “(jj)(1) Notwithstanding any preceding provision of
 21 this section, with respect to State expenditures for medical
 22 assistance consisting of services provided by a behavioral
 23 care provider and furnished at a school (as defined in sec-
 24 tion 3300(d) of the Public Health Service Act) or at a
 25 school-based health center (as defined in section 399Z–

1 1(a)(3) of such Act) on or after the date that is 3 months
2 after the date of the enactment of this subsection, the
3 Federal medical assistance percentage otherwise deter-
4 mined under subsection (b) shall, subject to paragraph
5 (2), be equal to 90 percent.

6 “(2) Paragraph (1) shall not apply in the case of
7 State expenditures described in such paragraph if applica-
8 tion of such paragraph would result in a lower Federal
9 medical assistance percentage for such expenditures than
10 would otherwise apply without application of such para-
11 graph.”.

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