

117TH CONGRESS
2D SESSION

S. 4498

To expand the availability of mental, emotional, and behavioral health services under the Medicaid program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2022

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

A BILL

To expand the availability of mental, emotional, and behavioral health services under the Medicaid 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 “Kids’ Mental Health
5 Improvement Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Guidance to States on supporting mental, emotional, and behavioral health services, and on the availability of telehealth under Medicaid.

Sec. 4. Ensuring children receive timely access to care.

1 **SEC. 3. GUIDANCE TO STATES ON SUPPORTING MENTAL,**
 2 **EMOTIONAL, AND BEHAVIORAL HEALTH**
 3 **SERVICES, AND ON THE AVAILABILITY OF**
 4 **TELEHEALTH UNDER MEDICAID.**

5 (a) MENTAL, EMOTIONAL, AND BEHAVIORAL
 6 HEALTH SERVICES.—Not later than 1 year after the date
 7 of enactment of this Act, the Secretary of Health and
 8 Human Services shall issue guidance to States on how to
 9 expand the provision of mental, emotional, and behavioral
 10 health services covered by State plans (or waivers of such
 11 plans) under title XIX of the Social Security Act (42
 12 U.S.C. 1396 et seq.), including a description of best prac-
 13 tices for effective programs, service provision for under-
 14 served communities, recruitment and retention of pro-
 15 viders, and supporting the delivery of such services in
 16 schools and other community settings.

17 (b) TELEHEALTH SERVICES.—Not later than 1 year
 18 after the date of enactment of this Act, the Secretary of
 19 Health and Human Services shall issue guidance to States
 20 on best practices to sustain and enhance the availability
 21 of telehealth services covered by State plans (or waivers
 22 of such plans) under title XIX of the Social Security Act
 23 (42 U.S.C. 1396 et seq.).

1 **SEC. 4. ENSURING CHILDREN RECEIVE TIMELY ACCESS TO**
2 **CARE.**

3 (a) GUIDANCE TO STATES ON FLEXIBILITIES TO EN-
4 SURE PROVIDER CAPACITY TO PROVIDE PEDIATRIC MEN-
5 TAL, EMOTIONAL, AND BEHAVIORAL CRISIS CARE.—Not
6 later than 1 year after the date of enactment of this Act,
7 the Secretary of Health and Human Services shall provide
8 guidance to States on existing flexibilities for hospitals
9 and other providers under applicable laws, regulations,
10 and guidance to support children in crisis or in need of
11 intensive mental, emotional or behavioral health services.

12 (b) MANDATED REPORT TO CONGRESS REGARDING
13 BARRIERS TO REPURPOSING OF BEDS, SPACE, AND
14 STAFF TO ADDRESS PEDIATRIC BEHAVIORAL HEALTH
15 NEEDS.—

16 (1) IN GENERAL.—Not later than 120 days
17 after the date of enactment of this Act, the Sec-
18 retary of Health and Human Services shall submit
19 to the Congress a report with respect to regulatory
20 and legal barriers to care across the crisis con-
21 tinuum that identifies solutions to facilitate flexi-
22 bility for children’s hospitals and other providers of
23 mental, emotional, or behavioral health services.

24 (2) REQUIREMENTS.—In preparing a report
25 under this subsection, the Secretary of Health and
26 Human Services shall include in such report—

1 (A) a comprehensive list of laws, regula-
2 tions, and guidance impacting children’s hos-
3 pitals’ and other providers’ ability to repurpose
4 immediately beds, space, and staff for children
5 in need of mental, emotional, or behavioral
6 health services, including a description of the
7 rationale for each policy and corresponding ac-
8 tions required to repurpose such beds, space,
9 and staff; and

10 (B) recommendations on how children’s
11 hospitals and other providers can immediately
12 expand access to mental, emotional, and behav-
13 ioral health services while also ensuring high
14 quality and safety.

15 (c) ENSURING CONSISTENT REVIEW AND STATE IM-
16 PLEMENTATION OF EARLY AND PERIODIC SCREENING,
17 DIAGNOSTIC, AND TREATMENT SERVICES.—Section
18 1905(r) of the Social Security Act (42 U.S.C. 1396d(r))
19 is amended by adding at the end the following: “The Sec-
20 retary shall, not later than July 1, 2022, and not later
21 than January 1 each year thereafter, review implementa-
22 tion of the requirements of this subsection by States as
23 they pertain to behavioral health services for children, in-
24 cluding services provided by a managed care entity, iden-
25 tify and disseminate best practices for ensuring com-

1 prehensive coverage of services, identify gaps and defi-
2 ciencies in meeting Federal requirements, and provide
3 guidance to States on addressing identified gaps and dis-
4 parities and meeting Federal coverage requirements in
5 order to ensure children, including children without a
6 mental health diagnosis, have access to behavioral health
7 services.”.

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