

(E) Screening for patients being considered for admission to State mental health facilities to determine the appropriateness of such admission.

(2) The mental health services of the centers are provided, within the limits of the capacities of the centers, to any individual residing or employed in the service area of the center regardless of ability to pay for such services.

(3) The mental health services of the centers are available and accessible promptly, as appropriate and in a manner which preserves human dignity and assures continuity and high quality care.

(July 1, 1944, ch. 373, title XIX, §1913, as added Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 381.)

Editorial Notes

REFERENCES IN TEXT

Section 300x-1(b)(9) of this title, referred to in subsec. (a)(1)(A), was repealed by Pub. L. 106-310, div. B, title XXXII, §3204(a), Oct. 17, 2000, 114 Stat. 1192. Provisions relating to a system of integrated social services formerly contained in section 300x-1(b)(9) are now contained in section 300x-1(b)(3) of this title.

PRIOR PROVISIONS

A prior section 300x-2, act July 1, 1944, ch. 373, title XIX, §1914, formerly §1913, as added Aug. 13, 1981, Pub. L. 97-35, title IX, §901, 95 Stat. 545; renumbered §1914 and amended Oct. 19, 1984, Pub. L. 98-509, title I, §106(a), (c)-(e), (g), 98 Stat. 2358, 2359; Nov. 18, 1988, Pub. L. 100-690, title II, §2022(e), 102 Stat. 4197; Aug. 16, 1989, Pub. L. 101-93, §2(c)(1), 103 Stat. 605, related to payment to States of allotments of grants for alcohol, drug abuse, and mental health services, prior to repeal by Pub. L. 102-321, §201(2).

A prior section 1913 of act July 1, 1944, was classified to section 300x-1b of this title and repealed by Pub. L. 102-321.

§ 300x-3. State mental health planning council

(a) In general

A funding agreement for a grant under section 300x of this title is that the State involved will establish and maintain a State mental health planning council in accordance with the conditions described in this section.

(b) Duties

A condition under subsection (a) for a Council is that the duties of the Council are—

(1) to review plans provided to the Council pursuant to section 300x-4(a) of this title by the State involved and to submit to the State any recommendations of the Council for modifications to the plans;

(2) to serve as an advocate for adults with a serious mental illness, children with a severe emotional disturbance, and other individuals with mental illnesses or emotional problems; and

(3) to monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services within the State.

(c) Membership

(1) In general

A condition under subsection (a) for a Council is that the Council be composed of resi-

dents of the State, including representatives of—

(A) the principal State agencies with respect to—

(i) mental health, education, vocational rehabilitation, criminal justice, housing, and social services; and

(ii) the development of the plan submitted pursuant to title XIX of the Social Security Act [42 U.S.C. 1396 et seq.];

(B) public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;

(C) adults with serious mental illnesses who are receiving (or have received) mental health services; and

(D) the families of such adults or families of children with emotional disturbance.

(2) Certain requirements

A condition under subsection (a) for a Council is that—

(A) with respect to the membership of the Council, the ratio of parents of children with a serious emotional disturbance to other members of the Council is sufficient to provide adequate representation of such children in the deliberations of the Council; and

(B) not less than 50 percent of the members of the Council are individuals who are not State employees or providers of mental health services.

(d) “Council” defined

For purposes of this section, the term “Council” means a State mental health planning council.

(July 1, 1944, ch. 373, title XIX, §1914, as added Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 382.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (c)(1)(A)(ii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XIX of the Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

PRIOR PROVISIONS

A prior section 300x-3, act July 1, 1944, ch. 373, title XIX, §1915, formerly §1914, as added Aug. 13, 1981, Pub. L. 97-35, title IX, §901, 95 Stat. 545; renumbered §1915 and amended Oct. 19, 1984, Pub. L. 98-509, title I, §§105(b), 106(a), (b), (d), (g), 98 Stat. 2358, 2359; Nov. 18, 1988, Pub. L. 100-690, title II, §§2024-2026, 102 Stat. 4198, 4199; Aug. 16, 1989, Pub. L. 101-93, §2(d), 103 Stat. 606; Nov. 28, 1990, Pub. L. 101-639, §3(a)(2), 104 Stat. 4601, related to the use of grant allotments for alcohol, drug abuse, and mental health services, prior to repeal by Pub. L. 102-321, §201(2).

A prior section 1914 of act July 1, 1944, was classified to section 300x-2 of this title prior to repeal by Pub. L. 102-321.

§ 300x-4. Additional provisions

(a) Review of State plan by mental health planning council

The Secretary may make a grant under section 300x of this title to a State only if—

(1) the plan submitted under section 300x-1(a) of this title with respect to the grant and the report of the State under section 300x-52(a) of this title concerning the preceding fiscal year has been reviewed by the State mental health planning council under section 300x-3 of this title; and

(2) the State submits to the Secretary any recommendations received by the State from such council for modifications to the plan (without regard to whether the State has made the recommended modifications) and any comments concerning the annual report.

(b) Maintenance of effort regarding State expenditures for mental health

(1) In general

A funding agreement for a grant under section 300x of this title is that the State involved will maintain State expenditures for community mental health services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

(2) Exclusion of certain funds

The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a non-recurring nature and for a specific purpose.

(3) Waiver

(A) In general

The Secretary may, upon the request of a State, waive the requirement established in paragraph (1) in whole or in part if the Secretary determines that extraordinary economic conditions in the State in the fiscal year involved or in the previous fiscal year justify the waiver¹

(B) Date certain for action upon request

The Secretary shall approve or deny a request for a waiver under this paragraph not later than 120 days after the date on which the request is made.

(C) Applicability of waiver

A waiver provided by the Secretary under this paragraph shall be applicable only to the fiscal year involved.

(4) Noncompliance by State

(A) In general

(i) Determination

In making a grant under section 300x of this title to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with the agreement made under paragraph (1). If the Secretary determines that a State has failed to maintain such compliance, the Secretary shall reduce the amount of the allotment under section 300x of this title for the State for the fiscal year for which the grant is being made by an amount equal to the amount consti-

tuting such failure for the previous fiscal year.

(ii) Alternative

A State that has failed to comply with paragraph (1) and would otherwise be subject to a reduction in the State's allotment under section 300x of this title may, upon request by the State, in lieu of having the amount of the allotment under section 300x of this title for the State reduced for the fiscal year of the grant, agree to comply with a negotiated agreement that is approved by the Secretary and carried out in accordance with guidelines issued by the Secretary. If a State fails to enter into or comply with a negotiated agreement, the Secretary may take action under this paragraph or the terms of the negotiated agreement.

(B) Submission of information to the secretary

The Secretary may make a grant under section 300x of this title for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in subparagraph (A)(i).

(July 1, 1944, ch. 373, title XIX, §1915, as added Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 383; amended Pub. L. 106-310, div. B, title XXXII, §3204(b), (c), Oct. 17, 2000, 114 Stat. 1193; Pub. L. 114-255, div. B, title VIII, §8001(d), Dec. 13, 2016, 130 Stat. 1228.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 300x-4 and 300x-4a were repealed by Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 378.

Section 300x-4, act July 1, 1944, ch. 373, title XIX, §1916, formerly §1915, as added Aug. 13, 1981, Pub. L. 97-35, title IX, §901, 95 Stat. 546; amended Jan. 4, 1983, Pub. L. 97-414, §8(u), 96 Stat. 2063; renumbered §1916 and amended Oct. 19, 1984, Pub. L. 98-509, title I, §§103, 106(a)-(c), (f), (g), 98 Stat. 2355, 2358, 2359; Oct. 7, 1985, Pub. L. 99-117, §7(a), 99 Stat. 492; Nov. 14, 1986, Pub. L. 99-660, title V, §503, 100 Stat. 3797; Nov. 18, 1988, Pub. L. 100-690, title II, §§2027-2035, 2037(a)(2), 102 Stat. 4199-4201, 4203; Aug. 16, 1989, Pub. L. 101-93, §2(e)-(l), (p)(1), (q)(1), 103 Stat. 606-609; Aug. 15, 1990, Pub. L. 101-374, §4(b), 104 Stat. 459, required States to make application and describe their activities in relation to allotments for grants for alcohol, drug abuse, and mental health services.

A prior section 1915 of act July 1, 1944, was classified to section 300x-3 of this title prior to repeal by Pub. L. 102-321.

Section 300x-4a, act July 1, 1944, ch. 373, title XIX, §1916A, as added Nov. 18, 1988, Pub. L. 100-690, title II, §2036, 102 Stat. 4202; amended Aug. 16, 1989, Pub. L. 101-93, §2(m), 103 Stat. 608, related to group homes for recovering substance abusers.

AMENDMENTS

2016—Subsec. (b)(3). Pub. L. 114-255, §8001(d)(1), designated existing provisions as subpar. (A) and inserted heading, substituted “paragraph (1) in whole or in part if” for “paragraph (1) if” and “State in the fiscal year involved or in the previous fiscal year justify the waiver” for “State justify the waiver.”, and added subpars. (B) and (C).

Subsec. (b)(4)(A). Pub. L. 114-255, §8001(d)(2)(A), designated existing provisions as cl. (i), inserted subpar. (A) and cl. (i) headings, and added cl. (ii).

¹ So in original. Probably should be followed by a period.

Subsec. (b)(4)(B). Pub. L. 114-255, §8001(d)(2)(B), inserted heading and substituted “subparagraph (A)(i)” for “subparagraph (A)” in text.

2000—Subsec. (a)(1). Pub. L. 106-310, §3204(b)(1), inserted “and the report of the State under section 300x-52(a) of this title concerning the preceding fiscal year” after “to the grant”.

Subsec. (a)(2). Pub. L. 106-310, §3204(b)(2), inserted “and any comments concerning the annual report” before period at end.

Subsec. (b)(2) to (4). Pub. L. 106-310, §3204(c), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

§ 300x-5. Restrictions on use of payments

(a) In general

A funding agreement for a grant under section 300x of this title is that the State involved will not expend the grant—

- (1) to provide inpatient services;
- (2) to make cash payments to intended recipients of health services;
- (3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;
- (4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or
- (5) to provide financial assistance to any entity other than a public or nonprofit private entity.

(b) Limitation on administrative expenses

A funding agreement for a grant under section 300x of this title is that the State involved will not expend more than 5 percent of the grant for administrative expenses with respect to the grant.

(July 1, 1944, ch. 373, title XIX, §1916, as added Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 384.)

Editorial Notes

PRIOR PROVISIONS

A prior section 300x-5, act July 1, 1944, ch. 373, title XIX, §1917, formerly §1916, as added Aug. 13, 1981, Pub. L. 97-35, title IX, §901, 95 Stat. 549; renumbered §1917 and amended Oct. 19, 1984, Pub. L. 98-509, title I, §§104, 106(a), (b), (d), (g), 98 Stat. 2357-2359; Oct. 7, 1985, Pub. L. 99-117, §7(b), 99 Stat. 493; Nov. 18, 1988, Pub. L. 100-690, title II, §§2037(a)(1), (b), 2052(b), 102 Stat. 4203, 4208; Aug. 16, 1989, Pub. L. 101-93, §2(p)(2), 103 Stat. 609, related to reports and audits relative to grants for alcohol, drug abuse, and mental health services, prior to repeal by Pub. L. 102-321, §201(2).

A prior section 1916 of act July 1, 1944, was classified to section 300x-4 of this title prior to repeal by Pub. L. 102-321.

§ 300x-6. Application for grant

(a) In general

For purposes of section 300x of this title, an application for a grant under such section for a fiscal year in accordance with this section if, subject to subsection (b)—

- (1) the plan is received by the Secretary not later than September 1 of the fiscal year prior to the fiscal year for which a State is seeking funds, and the report from the previous fiscal year as required under section 300x-52(a) of

this title is received by December 1 of the fiscal year of the grant;

(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);

(3) the agreements are made through certification from the chief executive officer of the State;

(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

(5) the application contains the plan required in section 300x-1(a) of this title, the information required in section 300x-4(b) of this title, and the report required in section 300x-52(a) of this title;

(6) the application contains recommendations in compliance with section 300x-4(a) of this title, or if no such recommendations are received by the State, the application otherwise demonstrates compliance with such section; and

(7) the application (including the plan under section 300x-1(a) of this title) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

(b) Waivers regarding certain territories

In the case of any territory of the United States except Puerto Rico, the Secretary may waive such provisions of this subpart and subpart III as the Secretary determines to be appropriate, other than the provisions of section 300x-5 of this title.

(July 1, 1944, ch. 373, title XIX, §1917, as added Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 384; amended Pub. L. 106-310, div. B, title XXXII, §3204(d), (e), Oct. 17, 2000, 114 Stat. 1193; Pub. L. 114-255, div. B, title VIII, §8001(e), Dec. 13, 2016, 130 Stat. 1229.)

Editorial Notes

PRIOR PROVISIONS

A prior section 300x-6, act July 1, 1944, ch. 373, title XIX, §1918, formerly §1917, as added Aug. 13, 1981, Pub. L. 97-35, title IX, §901, 95 Stat. 550; renumbered §1918 and amended Oct. 19, 1984, Pub. L. 98-509, title I, §106(d), (g), 98 Stat. 2358, 2359, authorized withholding funds from States which did not use allotments of grants for alcohol, drug abuse, and mental health services in accordance with requirements, prior to repeal by Pub. L. 102-321, §201(2).

A prior section 1917 of act July 1, 1944, was classified to section 300x-5 of this title prior to repeal by Pub. L. 102-321.

AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114-255, §8001(e)(1), substituted “300x-52(a)” for “300x-51”.

Subsec. (a)(5). Pub. L. 114-255, §8001(e)(2), substituted “300x-4(b)” for “300x-4(b)(3)(B)”.

2000—Subsec. (a)(1). Pub. L. 106-310, §3204(d), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “the State involved submits the application not later than the date specified by the Secretary as being the date after which applications for such a grant will not be considered (in any case in which the Secretary specifies such a date);”.