

118TH CONGRESS
1ST SESSION

H. R. 3761

To amend the Social Security Act to provide for an increased Federal medical assistance percentage for State expenditures on certain behavioral health services furnished under the Medicaid program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2023

Ms. CASTOR of Florida introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Social Security Act to provide for an increased Federal medical assistance percentage for State expenditures on certain behavioral health services furnished 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 “Advancing Student
5 Services In Schools Today Act” or the “ASSIST Act”.

1 **SEC. 2. INCREASING THE APPLICABLE FMAP FOR STATE**
2 **EXPENDITURES ATTRIBUTABLE TO CERTAIN**
3 **BEHAVIORAL HEALTH SERVICES.**

4 Section 1905 of the Social Security Act (42 U.S.C.
5 1396d) is amended—

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

8 (2) by adding at the end the following new sub-
9 section:

10 “(jj) INCREASED FMAP FOR MEDICAL ASSISTANCE
11 FOR SERVICES FURNISHED BY MENTAL HEALTH AND
12 SUBSTANCE USE DISORDER CARE PROVIDERS IN CER-
13 TAIN SCHOOL-BASED SETTINGS.—

14 “(1) IN GENERAL.—Notwithstanding any pre-
15 ceding provision of this section, with respect to State
16 expenditures for medical assistance consisting of
17 services provided by a mental health and substance
18 use disorder care provider (as defined in section 3
19 of the Advancing Student Services In Schools Today
20 Act) and furnished at a school or at a school-based
21 health center (as defined in section 399Z–1(a)(3) of
22 the Public Health Service Act) on or after the first
23 day of the first calendar quarter beginning on or
24 after the date that is 12 months after the date of
25 the enactment of this subsection, the Federal med-
26 ical assistance percentage otherwise determined

1 under subsection (b) shall, subject to paragraph (2),
2 be equal to 90 percent.

3 “(2) APPLICATION OF HIGHER MATCH.—Para-
4 graph (1) shall not apply in the case of State ex-
5 penditures described in such paragraph if applica-
6 tion of such paragraph would result in a lower Fed-
7 eral medical assistance percentage for such expendi-
8 tures than would otherwise apply without application
9 of such paragraph.

10 “(3) EXCLUSION OF EXPENDITURES FROM TER-
11 RITORIAL CAP.—Any payment made to a territory
12 for expenditures for medical assistance described in
13 paragraph (1) that are subject to the Federal med-
14 ical assistance percentage specified under such para-
15 graph shall not be taken into account for purposes
16 of applying payment limits under subsections (f) and
17 (g) of section 1108 to the extent that such payment
18 exceeds the amount of the payment that would have
19 been made to the territory for such expenditures
20 without regard to this subsection.”.

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

5 (a) GRANT AUTHORITY.—Not later than 12 months
6 after the date of enactment of this Act, the Secretary of
7 Health and Human Services (referred to in this section
8 as the “Secretary”), in consultation with the Adminis-
9 trator of the Centers for Medicare & Medicaid Services
10 and the Secretary of Education, shall award grants, con-
11 tracts, or cooperative agreements to eligible entities to in-
12 crease the number of mental health and substance use dis-
13 order care providers in schools and school-based health
14 centers served by such entities.

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

20 (1) the mental health and substance use dis-
21 order needs of the student population served by the
22 eligible entity; and

23 (2) with respect to the student population
24 served by the eligible entity, how the eligible entity
25 will ensure that the mental health and substance use
26 disorder care providers supported by the eligible en-

1 tity, and the services administered by such pro-
2 viders, are culturally competent and linguistically
3 appropriate.

4 (c) RESTRICTION.—No funds made available through
5 an award under this section may be used for a threat as-
6 sessment team.

7 (d) REPORTING.—

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

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

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

21 (C) the practices used by the schools or
22 school-based health centers served by the eligi-
23 ble entity to recruit and retain mental health
24 and substance use disorder care providers; and

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

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

9 (e) DEFINITIONS.—In this section:

10 (1) ELIGIBLE ENTITY.—The term “eligible enti-
11 ty” means—

12 (A) a local educational agency, as defined
13 in section 8101 of the Elementary and Sec-
14 ondary Education Act of 1965 (20 U.S.C.
15 7801);

16 (B) an institution of higher education, as
17 defined in section 101 of the Higher Education
18 Act of 1965 (20 U.S.C. 1001);

19 (C) a school operated by the Bureau of In-
20 dian Affairs; or

21 (D) a school-based health center, as de-
22 fined in section 399Z–1(a)(3) of the Public
23 Health Service Act (42 U.S.C. 280h–5(a)(3)).

24 (2) MENTAL HEALTH AND SUBSTANCE USE
25 DISORDER CARE PROVIDER.—The term “mental

1 health and substance use disorder care provider”
2 means an individual who is licensed or credentialed
3 to provide mental health and substance use disorder
4 services, including—

5 (A) a school counselor;

6 (B) a school psychologist or any other psy-
7 chologist;

8 (C) a psychiatrist who specializes in child
9 or adolescent psychiatry;

10 (D) a school social worker;

11 (E) a peer support specialist or peer recov-
12 ery coach;

13 (F) a licensed clinical social worker;

14 (G) an addiction medicine specialist; and

15 (H) other providers, as the Secretary de-
16 termines appropriate.

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