

118TH CONGRESS
2D SESSION

S. 3921

To amend title XIX of the Social Security Act to provide a higher Federal matching rate for increased expenditures under Medicaid for behavioral health services (including those related to mental health and substance use), and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2024

Ms. SMITH (for herself and Ms. STABENOW) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to provide a higher Federal matching rate for increased expenditures under Medicaid for behavioral health services (including those related to mental health and substance use), 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 “Medicaid Bump Act”.

1 **SEC. 2. HIGHER FEDERAL MATCH FOR INCREASED EX-**
2 **PENDITURES UNDER MEDICAID FOR BEHAV-**
3 **IORAL HEALTH SERVICES.**

4 (a) IN GENERAL.—Section 1903 of the Social Secu-
5 rity Act (42 U.S.C. 1396b) is amended—

6 (1) in subsection (a)(5)—

7 (A) by inserting “(A)” before “an amount
8 equal to”;

9 (B) by inserting “and” after the semicolon;
10 and

11 (C) by adding at the end the following:

12 “(B) subject to subsection (b)(6), an amount equal
13 to 90 percent of the amount by which—

14 “(i) the sum of the amounts expended during
15 such quarter which are attributable to the offering,
16 arranging, and furnishing (directly or on a contract
17 basis) under the State plan (or under a waiver of
18 the plan) of behavioral health services (including
19 those related to mental health and substance use);
20 exceeds

21 “(ii) the sum of the amounts expended during
22 the corresponding quarter in the 4-quarter period
23 ending on March 31, 2019, which are attributable to
24 the offering, arranging, and furnishing (directly or
25 on a contract basis) under the State plan (or under
26 a waiver of the plan) of such services; plus”; and

1 (2) in subsection (b), by adding at the end the
2 following new paragraph:

3 “(6) ACCOUNTABILITY AND MAINTENANCE OF EF-
4 FORT REQUIREMENTS FOR ADDITIONAL FEDERAL FUND-
5 ING FOR INCREASED EXPENDITURES FOR BEHAVIORAL
6 HEALTH SERVICES.—As a condition for receiving the
7 funds the Secretary is otherwise obligated to pay to a
8 State under subsection (a)(5)(B), a State shall meet the
9 following requirements:

10 “(A) SUPPLEMENT, NOT SUPPLANT.—The
11 State shall use the funds received under such sub-
12 section to supplement, not supplant, the level of
13 State funds expended for the offering, arranging,
14 and furnishing (directly or on a contract basis)
15 under the State plan (or under a waiver of the plan)
16 of behavioral health services (including those related
17 to mental health and substance use) through pro-
18 grams and activities in effect as of April 1, 2021.

19 “(B) USE OF FUNDS FOR ACTIVITIES THAT IM-
20 PROVE DELIVERY OF BEHAVIORAL HEALTH SERV-
21 ICES.—The State shall use the funds received under
22 such subsection for activities that increase the ca-
23 pacity, efficiency, and quality in the provision of be-
24 havioral health services (including those related to
25 mental health and substance use) delivered by pro-

1 viders, including through increases in payment rates
2 for providers of those services and the adoption of
3 other measures that ensure a reduction in staff
4 turnover.”.

5 (b) SUB-REGULATORY GUIDANCE.—Not later than
6 180 days after the date of enactment of this Act, the Sec-
7 retary of Health and Human Services shall issue sub-regu-
8 latory guidance to States specifying the services that are
9 behavioral health services for purposes of subparagraph
10 (B) of section 1903(a)(5) of the Social Security Act (42
11 U.S.C. 1396b(a)(5)), as added by subsection (a)(1).

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply with respect to calendar quarters
14 beginning on or after January 1 of the year that begins
15 1 year after the date of the enactment of this Act.

16 **SEC. 3. REPORT REGARDING BEHAVIORAL HEALTH SERV-**
17 **ICE.**

18 Not later than 1 year after the date of enactment
19 of this Act, and annually thereafter, the Secretary of
20 Health and Human Services shall submit to the Com-
21 mittee on Energy and Commerce of the House of Rep-
22 resentatives and the Committee on Finance of the Senate
23 a report regarding behavioral health services (including
24 those related to mental health and substance use) provided
25 under title XIX of the Social Security Act (42 U.S.C.

1 1396 et seq.) in each State (as such term is defined in
2 section 1101(a) of such Act (42 U.S.C. 1301(a)) for pur-
3 poses of such title), specifying the payment rates for such
4 services, the rationale for deriving such payment rates,
5 and utilization of such services, as such data are available.

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