

Public Law 101-639
101st Congress

An Act

Nov. 28, 1990
[S. 2628]

To amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes.

Mental Health
Amendments of
1990.
42 USC 201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health Amendments of 1990".

SEC. 2. REAUTHORIZATION OF DEMONSTRATION GRANTS FOR HEALTH SERVICES.

(a) **IN GENERAL.**—Section 520(a) of the Public Health Service Act (42 U.S.C. 290cc-13(a)) is amended to read as follows:

"(a) **SERIOUSLY MENTALLY ILL INDIVIDUALS, AND CHILDREN AND ADOLESCENTS WITH SERIOUS EMOTIONAL AND MENTAL DISTURBANCES.**—

"(1) **IN GENERAL.**—The Secretary, acting through the Director of the National Institute of Mental Health, may make grants to States, political subdivisions of States, and nonprofit private agencies for—

"(A) mental health services demonstration projects for the planning, coordination and improvement of community services (including outreach and consumer-run self-help services) for seriously mentally ill individuals and their families, seriously emotionally and mentally disturbed children and youth and their families, and seriously mentally ill homeless and elderly individuals;

"(B) demonstration projects for the prevention of youth suicide;

"(C) demonstration projects for the improvement of the recognition, assessment, treatment and clinical management of depressive disorders;

"(D) demonstration projects for programs to prevent the occurrence of sex offenses, and for the provision of treatment and psychological assistance to the victims of sex offenses; and

"(E) demonstration projects for programs to provide mental health services to victims of family violence.

"(2) **MENTAL HEALTH SERVICES.**—Mental health services provided under paragraph (1)(A) should encompass a range of delivery systems designed to permit individuals to receive treatment in the most therapeutically appropriate, least restrictive setting. Grants shall be awarded under such paragraph for—

"(A) research demonstration programs concerning such services; and

"(B) systems improvements to assist States and local entities to develop appropriate comprehensive mental

health systems for adults with serious long-term mental illness and children and adolescents with serious emotional and mental disturbance.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 520(e)(1) of the Public Health Service Act (42 U.S.C. 290cc-13(e)(1)) is amended to read as follows:

“(1) For the purposes of carrying out this section, there are authorized to be appropriated \$40,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.”

SEC. 3. STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLAN.

(a) **FUNDING FOR PLANS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1924(c) of the Public Health Service Act (42 U.S.C. 300x-10(c)) is amended by inserting before the period the following: “, and \$5,000,000 for each of the fiscal years 1991 through 1993”.

(2) **ESTABLISHMENT OF AUTHORITY FOR USE OF FUNDS UNDER SUBPART 1.**—Section 1915 of the Public Health Service Act (42 U.S.C. 300x-3) is amended by adding at the end the following new subsection:

“(e) Amounts paid to a State under section 1914 may be used by the State for the purpose of developing and implementing State comprehensive mental health plans in accordance with section 1925. With respect to compliance with the limitation established in subsection (d), none of the expenditures by the State for the purpose described in the preceding sentence from amounts received under section 1914 may be considered to have been expended for administering the amounts.”

(b) **REQUIREMENTS FOR PLANS.**—Section 1925 of the Public Health Service Act (42 U.S.C. 300x-11) is amended—

(1) by striking “chronically mentally ill individual” each place such term appears and inserting “individual with a serious mental illness”;

(2) by striking “chronically mentally ill individuals” each place such term appears and inserting “individuals with serious mental illnesses”;

(3) in subsection (b)—

(A) in paragraph (1), by inserting before the period the following: “and children with serious emotional and mental disorders”;

(B) in paragraph (3), by striking “describe services to be provided” and inserting the following: “describe services, available treatment options, and available resources (including Federal, State and local public services and resources, and to the extent practicable, private services and resources) to be provided”;

(C) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(D) by striking paragraph (4) and inserting the following new paragraphs:

“(4) The State plan shall describe health and mental health services, rehabilitation services, employment services, housing services, educational services, medical and dental care, and other support services to be provided to individuals and children with serious emotional and mental disorders with Federal, State and local public and private resources to enable such individ-

uals to function outside of inpatient or residential institutions to the maximum extent of their capabilities, including services to be provided by local school systems under the Education of the Handicapped Act.

“(5) The State plan shall describe the financial resources and staffing necessary to implement the requirements of such plan.”; and

(E) by adding at the end the following new paragraph:

“(10) The State plan shall describe a system of integrated social services, educational services, juvenile services, substance abuse services which together with health and mental health services, should be provided in order for children and adolescents with serious emotional and mental disorders to receive care appropriate for their multiple needs, including services to be provided by local school systems under the Education of the Handicapped Act.”; and

(4) by adding at the end the following new subsections:

“(e) The State shall utilize the State mental health planning council described in section 1916(e), or establish a new council with comparable membership requirements, to advise, review, monitor and evaluate all aspects of the development and implementation of the State plan. The comments of such council shall be formally transmitted to the Governor of the State prior to the submission of such plan to the Secretary and such comments should be transmitted to the Secretary together with such plan.

“(f) Not later than March 30 of each year, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the development and implementation of the State plans. Such reports shall include—

“(1) the status of the implementation of such plans by the States;

“(2) a description of the extent of the participation of the councils described in subsection (e) in such development and implementation;

“(3) a description of the coordinated services for children and adults conducted under such plans;

“(4) the extent to which State and local public, and private resources are utilized in the enhancement and delivery of designated services; and

“(5) a quantitative measurement of the improvement in services projected and achieved under the plan.”.

(c) ENFORCEMENT.—Section 1926 of the Public Health Service Act (42 U.S.C. 300x-12) is amended—

(1) in subsection (b)—

(A) by striking “1991” and inserting “1992”; and

(B) by striking “1990” and inserting “1991”;

(2) in subsection (c), in the first sentence—

(A) by striking “1992” and inserting “1993”; and

(B) by striking “1991” and inserting “1992”;

(3) in subsection (d), in the second sentence, by striking “the State is permitted to expend for administrative expenses” and inserting “that the State received under subpart 1, as such subpart existed on October 1, 1985”; and

(4) in subsection (e)—

(A) by striking “for any fiscal year” and inserting “during the period covered by the plan”;

Reports.

(B) by striking “for such fiscal year” and inserting “during such period”; and

(C) by inserting before the period the following: “, taking into consideration savings on inpatient hospitalization that can reasonably be anticipated to result from a well designed and implemented plan”.

(d) MISCELLANEOUS TECHNICAL AMENDMENT.—Section 902(c) of the Public Health Service Act (42 U.S.C. 299a(c)) is amended by striking “subsection (b)” and inserting “subsection (a)”.

Approved November 28, 1990.

LEGISLATIVE HISTORY—S. 2628:

SENATE REPORTS: No. 101-389 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 136 (1990):

Aug. 4, considered and passed Senate.

Oct. 23, considered and passed House, amended.

Oct. 24, Senate concurred in House amendment.