

110TH CONGRESS  
1ST SESSION

# S. 1337

To amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

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## IN THE SENATE OF THE UNITED STATES

MAY 8, 2007

Mr. KERRY (for himself, Mr. SMITH, Mr. KENNEDY, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

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 "Children's Mental  
5 Health Parity Act".

6 **SEC. 2. PARITY FOR MENTAL HEALTH SERVICES IN SCHIP.**

7       (a) ASSURANCE OF PARITY.—Section 2103(c) of the  
8 Social Security Act (42 U.S.C. 1397cc(c)) is amended—

1 (1) by redesignating paragraph (5) as para-  
2 graph (6); and

3 (2) by inserting after paragraph (4), the fol-  
4 lowing:

5                   “(5) MENTAL HEALTH SERVICES PARITY.—

6                     “(A) IN GENERAL.—In the case of a State  
7                     child health plan that provides both medical  
8                     and surgical benefits and mental health or sub-  
9                     stance abuse benefits, such plan shall ensure  
10                    that the financial requirements and treatment  
11                    limitations applicable to such mental health or  
12                    substance abuse benefits are no more restrictive  
13                    than the financial requirements and treatment  
14                    limitations applied to substantially all medical  
15                    and surgical benefits covered by the plan.

16                     “(B) DEEMED COMPLIANCE.—To the ex-  
17                     tent that a State child health plan includes cov-  
18                     erage with respect to an individual described in  
19                     section 1905(a)(4)(B) and covered under the  
20                     State plan under section 1902(a)(10)(A) of the  
21                     services described in section 1905(a)(4)(B) (re-  
22                     lating to early and periodic screening, diag-  
23                     nostic, and treatment services defined in section  
24                     1905(r)) and provided in accordance with sec-

3 (b) CONFORMING AMENDMENTS.—Section 2103 of  
4 such Act (42 U.S.C. 1397cc) is amended—

5 (1) in subsection (a), in the matter preceding  
6 paragraph (1), by striking “subsection (c)(5)” and  
7 inserting “paragraphs (5) and (6) of subsection (c);  
8 and

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section take effect on October 1, 2007.