

115TH CONGRESS  
1ST SESSION

# S. 2253

To amend title XXI of the Social Security Act to ensure access to mental health services for children under the Children’s Health Insurance Program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2017

Ms. STABENOW (for herself, Ms. WARREN, and Mr. MARKEY) 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 ensure access to mental health services for children under the Children’s Health Insurance 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 “CHIP Mental Health  
5       Parity Act”.

1 **SEC. 2. ENSURING ACCESS TO MENTAL HEALTH SERVICES**  
 2 **FOR CHILDREN UNDER THE CHILDREN'S**  
 3 **HEALTH INSURANCE PROGRAM.**

4 (a) IN GENERAL.—Section 2103(c)(1) of the Social  
 5 Security Act (42 U.S.C. 1397cc(c)(1)) is amended by add-  
 6 ing at the end the following new subparagraph:

7 “(E) Mental health services and substance  
 8 use disorder services (including behavioral  
 9 health treatment).”.

10 (b) MENTAL HEALTH SERVICES.—

11 (1) IN GENERAL.—Section 2103(c) of the So-  
 12 cial Security Act (42 U.S.C. 1397cc(c)) is amend-  
 13 ed—

14 (A) by redesignating paragraphs (5), (6),  
 15 (7), and (8) as paragraphs (6), (7), (8), and  
 16 (9), respectively; and

17 (B) by inserting after paragraph (4) the  
 18 following new paragraph:

19 “(5) MENTAL HEALTH SERVICES.—The child  
 20 health assistance provided to a targeted low-income  
 21 child or pregnant woman shall—

22 “(A) include coverage of mental health  
 23 services necessary to prevent, diagnose, and  
 24 treat a broad range of mental health symptoms  
 25 and disorders, including substance use dis-  
 26 orders; and

1 “(B) be delivered in a culturally and lin-  
2 guistically appropriate manner.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Section 2103(a) of the Social Security  
5 Act (42 U.S.C. 1397cc(a)) is amended, in the  
6 matter before paragraph (1), by striking “para-  
7 graphs (5), (6), and (7)” and inserting “para-  
8 graphs (5), (6), (7), and (8)”.

9 (B) Section 2110(b)(5)(A)(i) of the Social  
10 Security Act (42 U.S.C. 1397ee(b)(5)(A)(i)) is  
11 amended by striking “subsection (c)(5)” and in-  
12 serting “subsection (c)(6)”.

13 (c) ASSURING ACCESS TO CARE.—Section  
14 2102(a)(7)(B) of the Social Security Act (42 U.S.C.  
15 1397bb(c)(2)) is amended by striking “section  
16 2103(c)(5)” and inserting “paragraphs (5) and (6) of sec-  
17 tion 2103(c)”.

18 (d) MENTAL HEALTH SERVICES PARITY.—Subpara-  
19 graph (A) of paragraph (7) of section 2103(c) of the So-  
20 cial Security Act (42 U.S.C. 1397cc(c)) (as redesignated  
21 by subsection (b)(1)) is amended to read as follows:

22 “(A) IN GENERAL.—A State child health  
23 plan shall ensure that the financial require-  
24 ments and treatment limitations applicable to  
25 mental health or substance use disorder benefits

1 provided under such plan comply with the re-  
2 quirements of section 2726(a) of the Public  
3 Health Service Act in the same manner as such  
4 requirements or limitations apply to a group  
5 health plan under such section.”.

6 (e) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Subject to paragraph (2),  
8 the amendments made by this section shall take ef-  
9 fect on January 1, 2018.

10 (2) EXCEPTION FOR STATE LEGISLATION.—In  
11 the case of a State child health plan under title XXI  
12 of the Social Security Act (or a waiver of such plan),  
13 which the Secretary of Health and Human Services  
14 determines requires State legislation in order for the  
15 respective plan (or waiver) to meet any requirement  
16 imposed by the amendments made by this section,  
17 the respective plan (or waiver) shall not be regarded  
18 as failing to comply with the requirements of such  
19 title solely on the basis of its failure to meet such  
20 an additional requirement before the first day of the  
21 first calendar quarter beginning after the close of  
22 the first regular session of the State legislature that  
23 begins after the date of enactment of this section.  
24 For purposes of the previous sentence, in the case  
25 of a State that has a 2-year legislative session, each

- 1 year of the session shall be considered to be a sepa-
- 2 rate regular session of the State legislature.

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