

117TH CONGRESS
2D SESSION

S. 4039

To require the Secretary of Health and Human Services to provide guidance to States regarding Federal reimbursement for furnishing behavioral health services and treatment under Medicaid and the Children’s Health Insurance Program using telehealth services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2022

Mr. THUNE (for himself, Mr. BROWN, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require the Secretary of Health and Human Services to provide guidance to States regarding Federal reimbursement for furnishing behavioral health services and treatment under Medicaid and the Children’s Health Insurance Program using telehealth services, 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 Ensuring
5 Necessary Telehealth is Available Long-term Health for

1 Kids and Underserved Act” or the “MENTAL Health for
2 Kids and Underserved Act”.

3 **SEC. 2. GUIDANCE TO STATES ON FURNISHING BEHAV-**
4 **IORAL HEALTH SERVICES VIA TELEHEALTH**
5 **UNDER MEDICAID AND CHIP.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Secretary of Health and Human Services,
8 acting through the Administrator of the Centers for Medi-
9 care & Medicaid Services, shall issue guidance to States
10 on the following:

11 (1) State options for Federal reimbursement of
12 expenditures under Medicaid and the Children’s
13 Health Insurance Program for furnishing clinically
14 appropriate services and treatment for behavioral
15 health needs, including assessment, counseling, and
16 medication management, using telehealth services.
17 Such options shall include, to the extent appropriate,
18 options for States to receive Federal reimbursement
19 for such expenditures without the need for approval
20 of a State plan amendment or waiver. Such guidance
21 shall also include guidance on furnishing services
22 and treatments that address the needs of high-risk
23 individuals, including racial and ethnic minorities,
24 such as American Indians and Alaska Natives.

1 (2) State options for Federal reimbursement of
2 expenditures under Medicaid and the Children’s
3 Health Insurance Program for furnishing clinically
4 appropriate behavioral health services and treatment
5 to school-aged youth and teens enrolled in Medicaid
6 or the Children’s Health Insurance Program using
7 telehealth services. Such options shall include, to the
8 extent appropriate, options for States to receive Fed-
9 eral reimbursement for such expenditures without
10 the need for approval of a State plan amendment or
11 waiver.

12 (3) Best practices for integrating clinically ap-
13 propriate behavioral health provided via telehealth
14 services covered by a State plan for medical assist-
15 ance under title XIX of the Social Security Act (or
16 a waiver of such a plan) or a State plan for child
17 health assistance under title XXI of such Act (or a
18 waiver of such a plan) into school-based settings, in-
19 cluding full-service community schools. Such best
20 practices shall include resources and information
21 specifically for educators and other school-based
22 staff on how to recognize signs of distress in high-
23 risk students and make appropriate referrals for
24 school-based behavioral health services.

1 (4) Best practices for evaluating how utilizing
 2 clinically appropriate telehealth services for behav-
 3 ioral health services and treatment affects outcomes,
 4 as well as costs.

5 (5) Best practices for monitoring fraud, waste,
 6 and abuse that may occur during behavioral health
 7 services furnished through telehealth services cov-
 8 ered under Medicaid and the Children's Health In-
 9 surance Program.

10 **SEC. 3. REPORT TO CONGRESS ON BEHAVIORAL HEALTH**
 11 **SERVICES UNDER MEDICAID AND CHIP.**

12 Not later than 1 year after the date of enactment
 13 of this Act, the Secretary of Health and Human Services
 14 shall submit to the Committee on Finance of the Senate
 15 and the Committee on Energy and Commerce of the
 16 House of Representatives a report on the impact of tele-
 17 health on access, cost, and quality of behavioral health
 18 services offered to beneficiaries under the Medicaid pro-
 19 gram and the Children's Health Insurance Program, in-
 20 cluding specific information on the impact of telehealth on
 21 access to and the quality of behavioral health services in
 22 schools.

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