

AMENDMENTS

2016—Subsec. (b), Pub. L. 114-255 added par. (1) and redesignated former pars. (1) to (3) as (2) to (4), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Part effective July 10, 1992, with programs making awards providing financial assistance in fiscal year 1993 and subsequent years effective for awards made on or after Oct. 1, 1992, and with provision that section 205(a) of Pub. L. 102-321, set out below, regarding allotments made for fiscal year 1992 under this part as in effect on the day before July 10, 1992, applies with respect to the program established in this part, see section 801(b), (d) of Pub. L. 102-321, set out as an Effective Date of 1992 Amendment note under section 236 of this title.

TEMPORARY PROVISIONS REGARDING FUNDING

Section 205 of Pub. L. 102-321, as amended by Pub. L. 102-352, §2(c), Aug. 26, 1992, 106 Stat. 939; Pub. L. 102-408, title III, §312, Oct. 13, 1992, 106 Stat. 2091, provided that, with respect to allotments made for fiscal year 1992 under this part, as in effect on the day before July 10, 1992, any portion of the total of such allotments that has not been paid to the States as of the first day of the fourth quarter of such fiscal year be reallocated with the result that the total allotment made for a State for fiscal year 1992 be the amount indicated for the State in a specified table, authorized Secretary of Health and Human Services to make a grant to a State of the reallocation if the State agrees that the grant be subject to all conditions upon which allotments and payments under this part, as in effect on the day before July 10, 1992, are made for fiscal 1992, with specified exceptions, permitted transfers of allotments made in fiscal years 1993 and 1994 between this part and subpart II, section 300x-21 of this title, under certain circumstances, defined terms as used, and directed funding, subject to a limitation, of a program for pregnant and postpartum women for fiscal year 1993.

REPORT ON ALLOTMENT FORMULA

Section 707 of Pub. L. 102-321 directed Secretary of Health and Human Services to enter into a contract with National Academy of Sciences, or if such Academy declines, with another public or nonprofit private agency, for purpose of conducting a study or studies concerning statutory formulae under which funds made available under this section and section 300x-21 of this title are allocated among States and territories, specified findings to be made by the study or studies, directed Secretary to ensure that not later than 6 months after July 10, 1992, the study was completed and a report submitted to Committee on Energy and Commerce of House of Representatives and Committee on Labor and Human Resources of Senate, and directed entity preparing the report to consult with Comptroller General with Comptroller General to review the study after its submittal and within three months make appropriate recommendations concerning such report to such committees.

§ 300x-1. State plan for comprehensive community mental health services for certain individuals**(a) In general**

The Secretary may make a grant under section 300x of this title only if—

- (1) the State involved submits to the Secretary a plan for providing comprehensive community mental health services to adults with a serious mental illness and to children with a serious emotional disturbance;
- (2) the plan meets the criteria specified in subsection (b); and

(3) the plan is approved by the Secretary.

(b) Criteria for plan

In accordance with subsection (a), a State shall submit to the Secretary a plan every two years that, at a minimum, includes each of the following:

(1) System of care

A description of the State's system of care that contains the following:

(A) Comprehensive community-based health systems

The plan shall—

(i) identify the single State agency to be responsible for the administration of the program under the grant, including any third party who administers mental health services and is responsible for complying with the requirements of this part with respect to the grant;

(ii) provide for an organized community-based system of care for individuals with mental illness, and describe available services and resources in a comprehensive system of care, including services for individuals with co-occurring disorders;

(iii) include a description of the manner in which the State and local entities will coordinate services to maximize the efficiency, effectiveness, quality, and cost-effectiveness of services and programs to produce the best possible outcomes (including health services, rehabilitation services, employment services, housing services, educational services, substance use disorder services, legal services, law enforcement services, social services, child welfare services, medical and dental care services, and other support services to be provided with Federal, State, and local public and private resources) with other agencies to enable individuals receiving services 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 Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.];

(iv) include a description of how the State promotes evidence-based practices, including those evidence-based programs that address the needs of individuals with early serious mental illness regardless of the age of the individual at onset, provide comprehensive individualized treatment, or integrate mental and physical health services;

(v) include a description of case management services;

(vi) include a description of activities that seek to engage adults with a serious mental illness or children with a serious emotional disturbance and their caregivers where appropriate in making health care decisions, including activities that enhance communication among individuals, families, caregivers, and treatment providers; and

(vii) as appropriate to, and reflective of, the uses the State proposes for the block grant funds, include—

(I) a description of the activities intended to reduce hospitalizations and hospital stays using the block grant funds;

(II) a description of the activities intended to reduce incidents of suicide using the block grant funds;

(III) a description of how the State integrates mental health and primary care using the block grant funds, which may include providing, in the case of individuals with co-occurring mental and substance use disorders, both mental and substance use disorders services in primary care settings or arrangements to provide primary and specialty care services in community-based mental and substance use disorders settings; and

(IV) a description of recovery and recovery support services for adults with a serious mental illness and children with a serious emotional disturbance.

(B) Mental health system data and epidemiology

The plan shall contain an estimate of the incidence and prevalence in the State of serious mental illness among adults and serious emotional disturbance among children and present quantitative targets and outcome measures for programs and services provided under this subpart.

(C) Children's services

In the case of children with a serious emotional disturbance (as defined pursuant to subsection (c)), the plan shall provide for a system of integrated social services, educational services, child welfare services, juvenile justice services, law enforcement services, and substance use disorder services that, together with health and mental health services, will be provided in order for such children to receive care appropriate for their multiple needs (such system to include services provided under the Individuals with Disabilities Education Act).

(D) Targeted services to rural and homeless populations

The plan shall describe the State's outreach to and services for individuals who are homeless and how community-based services will be provided to individuals residing in rural areas.

(E) Management services

The plan shall describe the financial resources available, the existing mental health workforce, and the workforce trained in treating individuals with co-occurring mental and substance use disorders, and shall provide for the training of providers of emergency health services regarding mental health. The plan shall further describe the manner in which the State intends to expend the grant under section 300x of this title for the fiscal year involved, and the manner in which the State intends to comply with each of the funding agreements in this subpart and subpart III.

(2) Goals and objectives

The establishment of goals and objectives for the period of the plan, including targets

and milestones that are intended to be met, and the activities that will be undertaken to achieve those targets.

(c) Definitions regarding mental illness and emotional disturbance; methods for estimate of incidence and prevalence

(1) Establishment by Secretary of definitions; dissemination

For purposes of this subpart, the Secretary shall establish definitions for the terms "adults with a serious mental illness" and "children with a serious emotional disturbance". The Secretary shall disseminate the definitions to the States.

(2) Standardized methods

The Secretary shall establish standardized methods for making the estimates required in subsection (b)(11)¹ with respect to a State. A funding agreement for a grant under section 300x of this title for the State is that the State will utilize such methods in making the estimates.

(3) Date certain for compliance by Secretary

Not later than 90 days after July 10, 1992, the Secretary shall establish the definitions described in paragraph (1), shall begin dissemination of the definitions to the States, and shall establish the standardized methods described in paragraph (2).

(d) Requirement of implementation of plan

(1) Complete implementation

Except as provided in paragraph (2), in making a grant under section 300x of this title to a State for a fiscal year, the Secretary shall make a determination of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that a State has not completely implemented the plan, the Secretary shall reduce the amount of the allotment under section 300x of this title for the State for the fiscal year involved by an amount equal to 10 percent of the amount determined under section 300x-7 of this title for the State for the fiscal year.

(2) Substantial implementation and good faith effort regarding fiscal year 1993

(A) In making a grant under section 300x of this title to a State for fiscal year 1993, the Secretary shall make a determination of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that the State has not substantially implemented the plan, the Secretary shall, subject to subparagraph (B), reduce the amount of the allotment under section 300x of this title for the State for such fiscal year by an amount equal to 10 percent of the amount determined under section 300x-7 of this title for the State for the fiscal year.

(B) In carrying out subparagraph (A), if the Secretary determines that the State is making a good faith effort to implement the plan required in subsection (a), the Secretary may make a reduction under such subparagraph in an amount that is less than the amount speci-

¹ See References in Text note below.

fied in such subparagraph, except that the reduction may not be made in an amount that is less than 5 percent of the amount determined under section 300x-7 of this title for the State for fiscal year 1993.

(July 1, 1944, ch. 373, title XIX, §1912, as added Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 379; amended Pub. L. 106-310, div. B, title XXXII, §3204(a), Oct. 17, 2000, 114 Stat. 1192; Pub. L. 114-255, div. B, title VIII, §8001(b), Dec. 13, 2016, 130 Stat. 1225.)

Editorial Notes

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (b)(1)(A)(iii), (C), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

Subsection (b)(11), referred to in subsec. (c)(2), was repealed by Pub. L. 106-310, div. B, title XXXII, §3204(a), Oct. 17, 2000, 114 Stat. 1192. Provisions relating to estimates formerly contained in subsec. (b)(11) are now contained in subsec. (b)(1)(B) of this section.

PRIOR PROVISIONS

Prior sections 300x-1 to 300x-1b were repealed by Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 378.

Section 300x-1, act July 1, 1944, ch. 373, title XIX, §1912, as added Oct. 19, 1984, Pub. L. 98-509, title I, §102(a), 98 Stat. 2353, authorized grants for training of employees adversely affected by changes in delivery of mental health services and for providing assistance in securing employment.

Another prior section 300x-1, act July 1, 1944, ch. 373, title XIX, §1912, as added Aug. 13, 1981, Pub. L. 97-35, title IX, §901, 95 Stat. 543; amended Jan. 4, 1983, Pub. L. 97-414, §8(t), 96 Stat. 2062; Oct. 19, 1984, Pub. L. 98-509, title I, §106(e), 98 Stat. 2358, contained provisions relating to grants and allotment of grants for alcohol, drug abuse, and mental health services, prior to repeal by section 102(a) of Pub. L. 98-509.

Section 300x-1a, act July 1, 1944, ch. 373, title XIX, §1912A, as added and amended Nov. 18, 1988, Pub. L. 100-690, title II, §§2022(a)-(c), 2023, 102 Stat. 4194, 4196, 4197; Aug. 16, 1989, Pub. L. 101-93, §2(a), 103 Stat. 603, related to allotments of grants for alcohol, drug abuse, and mental health services.

Another prior section 300x-1a, act July 1, 1944, ch. 373, title XIX, §1913, as added Oct. 19, 1984, Pub. L. 98-509, title I, §102(a), 98 Stat. 2353, was transferred to section 300x-1b of this title.

Section 300x-1b, act July 1, 1944, ch. 373, title XIX, §1913, as added Oct. 19, 1984, Pub. L. 98-509, title I, §102(a), 98 Stat. 2353; amended Nov. 18, 1988, Pub. L. 100-690, title II, §2022(d), 102 Stat. 4197; Aug. 16, 1989, Pub. L. 101-93, §2(b), 103 Stat. 605, related to allotments to States and Indian tribes or tribal organizations for alcohol, drug abuse, and mental health services.

AMENDMENTS

2016—Subsec. (b). Pub. L. 114-255, §8001(b)(3), (10), substituted, in introductory provisions, “In accordance with subsection (a), a State shall submit to the Secretary a plan every two years that, at a minimum, includes each of the following:” for “With respect to the provision of comprehensive community mental health services to individuals who are either adults with a serious mental illness or children with a serious emotional disturbance, the criteria referred to in subsection (a) regarding a plan are as follows:” and struck out concluding provisions which read as follows: “Except as provided for in paragraph (3), the State plan shall contain the information required under this subsection with respect to both adults with serious mental

illness and children with serious emotional disturbance.”

Subsec. (b)(1). Pub. L. 114-255, §8001(b)(4), inserted par. (1) designation, heading, and introductory provisions. Former par. (1) redesignated subpar. (A) of par. (1).

Subsec. (b)(1)(A). Pub. L. 114-255, §8001(b)(5), added subpar. (A) and struck out former subpar. (A) which related to comprehensive community-based mental health systems.

Pub. L. 114-255, §8001(b)(2), redesignated par. (1) as subpar. (A) of par. (1) and realigned margins.

Subsec. (b)(1)(B). Pub. L. 114-255, §8001(b)(6), substituted “The plan shall contain” for “The plan contains” and “present quantitative targets and outcome measures for programs and services provided under this subpart” for “presents quantitative targets to be achieved in the implementation of the system described in paragraph (1)”.

Pub. L. 114-255, §8001(b)(2), redesignated par. (2) as subpar. (B) of par. (1) and realigned margins.

Subsec. (b)(1)(C). Pub. L. 114-255, §8001(b)(7), substituted “a serious emotional disturbance (as defined pursuant to subsection (c)), the plan shall provide for a system of integrated social services, educational services, child welfare services, juvenile justice services, law enforcement services, and substance use disorder services” for “serious emotional disturbance, the plan—(i) subject to subparagraph (B), provides for a system of integrated social services, educational services, juvenile services, and substance abuse services” and “Education Act.” for “Education Act;” and struck out cls. (ii) and (iii), which related to use of grants under section 300x of this title and to establishment of a defined geographic area for the provision of the services, respectively.

Pub. L. 114-255, §8001(b)(2), redesignated par. (3) as subpar. (C) of par. (1) and realigned margins.

Pub. L. 114-255, §8001(b)(1), redesignated subpars. (A) to (C) of par. (3) as cls. (i) to (iii) of subpar. (C) of par. (1) and realigned margins.

Subsec. (b)(1)(D). Pub. L. 114-255, §8001(b)(8), substituted “plan shall describe” for “plan describes”.

Pub. L. 114-255, §8001(b)(2), redesignated par. (4) as subpar. (D) of par. (1) and realigned margins.

Subsec. (b)(1)(E). Pub. L. 114-255, §8001(b)(9), in heading substituted “services” for “systems”, in first sentence substituted, “plan shall describe the financial resources available, the existing mental health workforce, and the workforce trained in treating individuals with co-occurring mental and substance use disorders, and shall provide for” for “plan describes the financial resources, staffing and training for mental health providers that is necessary to implement the plan, and provides for”, and in second sentence substituted, “shall further describe” for “further describes” and “involved, and the manner in which the State intends to comply with each of the funding agreements in this subpart and subpart III.” for “involved.”

Pub. L. 114-255, §8001(b)(2), redesignated par. (5) as subpar. (E) of par. (1) and realigned margins.

Subsec. (b)(2). Pub. L. 114-255, §8001(b)(11), added par. (2). Former par. (2) redesignated subpar. (B) of par. (1).

Subsec. (b)(3) to (5). Pub. L. 114-255, §8001(b)(2), redesignated pars. (3) to (5) as subpars. (C) to (E), respectively, of par. (1).

2000—Subsec. (b). Pub. L. 106-310 added pars. (1) to (5) and concluding provisions and struck out former pars. (1) to (12) relating to criteria for plan.

§ 300x-2. Certain agreements

(a) Allocation for systems of integrated services for children

(1) In general

With respect to children with a serious emotional disturbance, a funding agreement for a grant under section 300x of this title is that—

(A) in the case of a grant for fiscal year 1993, the State involved will expend not less