

111TH CONGRESS
1ST SESSION

S. 77

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.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. KERRY (for himself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Finance

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-

1 tion 1902(a)(43), such plan shall be deemed to
2 satisfy the requirements of subparagraph (A).”.

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

9 (2) in subsection (c)(2), by striking subpara-
10 graph (B) and redesignating subparagraphs (C) and
11 (D) as subparagraphs (B) and (C), respectively.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section take effect on October 1, 2009.

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