

115TH CONGRESS  
2D SESSION

# H. R. 3192

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IN THE SENATE OF THE UNITED STATES

JUNE 20, 2018

Received; read twice and referred to the Committee on Finance

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “CHIP Mental Health  
3 Parity Act”.

4 **SEC. 2. ENSURING ACCESS TO MENTAL HEALTH AND SUB-**  
5 **STANCE USE DISORDER SERVICES FOR CHIL-**  
6 **DREN AND PREGNANT WOMEN UNDER THE**  
7 **CHILDREN’S HEALTH INSURANCE PROGRAM.**

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

11 “(E) Mental health and substance use dis-  
12 order services (as defined in paragraph (5)).”.

13 (b) MENTAL HEALTH AND SUBSTANCE USE DIS-  
14 ORDER SERVICES.—

15 (1) IN GENERAL.—Section 2103(c) of the So-  
16 cial Security Act (42 U.S.C. 1397cc(e)) is amend-  
17 ed—

18 (A) by redesignating paragraphs (5), (6),  
19 (7), and (8) as paragraphs (6), (7), (8), and  
20 (9), respectively; and

21 (B) by inserting after paragraph (4) the  
22 following new paragraph:

23 “(5) MENTAL HEALTH AND SUBSTANCE USE  
24 DISORDER SERVICES.—Regardless of the type of cov-  
25 erage elected by a State under subsection (a), child  
26 health assistance provided under such coverage for

1 targeted low-income children and, in the case that  
2 the State elects to provide pregnancy-related assist-  
3 ance under such coverage pursuant to section 2112,  
4 such pregnancy-related assistance for targeted low-  
5 income women (as defined in section 2112(d))  
6 shall—

7 “(A) include coverage of mental health  
8 services (including behavioral health treatment)  
9 necessary to prevent, diagnose, and treat a  
10 broad range of mental health symptoms and  
11 disorders, including substance use disorders;  
12 and

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

15 (2) CONFORMING AMENDMENTS.—

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

21 (B) Section 2110(a) of the Social Security  
22 Act (42 U.S.C. 1397jj(a)) is amended—

23 (i) in paragraph (18), by striking  
24 “substance abuse” each place it appears  
25 and inserting “substance use”; and

1 (ii) in paragraph (19), by striking  
2 “substance abuse” and inserting “sub-  
3 stance use”.

4 (C) Section 2110(b)(5)(A)(i) of the Social  
5 Security Act (42 U.S.C. 1397jj(b)(5)(A)(i)) is  
6 amended by striking “subsection (e)(5)” and in-  
7 serting “subsection (e)(6)”.

8 (c) ASSURING ACCESS TO CARE.—Section  
9 2102(a)(7)(B) of the Social Security Act (42 U.S.C.  
10 1397bb(c)(2)) is amended by striking “section  
11 2103(c)(5)” and inserting “paragraphs (5) and (6) of sec-  
12 tion 2103(c)”.

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

17 “(A) IN GENERAL.—A State child health  
18 plan shall ensure that the financial require-  
19 ments and treatment limitations applicable to  
20 mental health and substance use disorder serv-  
21 ices (as described in paragraph (5)) provided  
22 under such plan comply with the requirements  
23 of section 2726(a) of the Public Health Service  
24 Act in the same manner as such requirements

1           or limitations apply to a group health plan  
2           under such section.”.

3           (e) EFFECTIVE DATE.—

4           (1) IN GENERAL.—Subject to paragraph (2),  
5           the amendments made by this section shall take ef-  
6           fect with respect to child health assistance provided  
7           on or after the date that is 1 year after the date of  
8           the enactment of this Act.

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

Passed the House of Representatives June 19, 2018.

Attest: KAREN L. HAAS,  
*Clerk.*