

117TH CONGRESS
1ST SESSION

S. 1727

To amend title XIX of the Social Security Act to provide a higher Federal matching rate for increased expenditures under Medicaid for behavioral health services (including those related to mental health and substance use), and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2021

Ms. SMITH (for herself and Ms. STABENOW) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to provide a higher Federal matching rate for increased expenditures under Medicaid for behavioral health services (including those related to mental health and substance use), 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 Bump Act”.

1 **SEC. 2. HIGHER FEDERAL MATCH FOR INCREASED EX-**
 2 **PENDITURES UNDER MEDICAID FOR BEHAV-**
 3 **IORAL HEALTH SERVICES.**

4 (a) IN GENERAL.—Section 1903 of the Social Secu-
 5 rity Act (42 U.S.C. 1396b) is amended—

6 (1) in subsection (a)(5)—

7 (A) by striking “an amount equal” and in-
 8 serting “(A) an amount equal”; and

9 (B) by adding at the end the following:

10 “and

11 “(B) subject to subsection (b)(6), an amount
 12 equal to 90 percent of the amount by which—

13 “(i) the sum of the amounts expended dur-
 14 ing such quarter which are attributable to the
 15 offering, arranging, and furnishing (directly or
 16 on a contract basis) under the State plan (or
 17 under a waiver of the plan) of behavioral health
 18 services (including those related to mental
 19 health and substance use), exceeds

20 “(ii) the sum of the amounts expended
 21 during the corresponding quarter in the 4-quar-
 22 ter period ending on March 31, 2019, which are
 23 attributable to the offering, arranging, and fur-
 24 nishing (directly or on a contract basis) under
 25 the State plan (or under a waiver of the plan)
 26 of such services, plus”; and

1 (2) in subsection (b), by adding at the end the
2 following new paragraph:

3 “(6) ACCOUNTABILITY AND MAINTENANCE OF
4 EFFORT REQUIREMENTS FOR ADDITIONAL FEDERAL
5 FUNDING FOR INCREASED EXPENDITURES FOR BE-
6 HAVIORAL HEALTH SERVICES.—As conditions for re-
7 ceiving the funds the Secretary is otherwise obli-
8 gated to pay to a State under subsection (a)(5)(B),
9 a State shall meet the following requirements:

10 “(A) SUPPLEMENT, NOT SUPPLANT.—The
11 State shall use the funds received under such
12 subsection to supplement, not supplant, the
13 level of State funds expended for the offering,
14 arranging, and furnishing (directly or on a con-
15 tract basis) under the State plan (or under a
16 waiver of the plan) of behavioral health services
17 (including those related to mental health and
18 substance use) through programs and activities
19 in effect as of April 1, 2021.

20 “(B) USE OF FUNDS FOR ACTIVITIES
21 THAT IMPROVE DELIVERY OF BEHAVIORAL
22 HEALTH SERVICES.—The State shall use the
23 funds received under such subsection for activi-
24 ties that increase the capacity, efficiency, and
25 quality in the provision of behavioral health

1 services (including those related to mental
 2 health and substance use) delivered by pro-
 3 viders, including through increases in payment
 4 rates for providers of those services and the
 5 adoption of other measures that ensure a reduc-
 6 tion in staff turnover.”.

7 (b) SUB-REGULATORY GUIDANCE.—Not later than
 8 180 days after the date of enactment of this Act, the Sec-
 9 retary of Health and Human Services shall issue sub-regu-
 10 latory guidance to States specifying the services that are
 11 behavioral health services for purposes of subparagraph
 12 (B) of section 1903(a)(5) of the Social Security Act (42
 13 U.S.C. 1396b(a)(5)), as added by subsection (a).

14 (c) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply with respect to calendar quarters
 16 beginning on or after January 1 of the year beginning
 17 after one year after the date of the enactment of this Act.

18 **SEC. 3. REPORT REGARDING BEHAVIORAL HEALTH SERV-**
 19 **ICE.**

20 Not later than 1 year after the date of enactment
 21 of this Act, and annually thereafter, the Secretary of
 22 Health and Human Services shall submit to the Com-
 23 mittee on Energy and Commerce of the House of Rep-
 24 resentatives and the Committee on Finance of the Senate
 25 a report regarding behavioral health services (including

1 those related to mental health and substance use) provided
2 under title XIX of the Social Security Act (42 U.S.C.
3 1396 et seq.) in each State, specifying the payment rates
4 for such services, the rationale for deriving such payment
5 rates, and utilization of such services, as such data are
6 available.

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