AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3922
OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Page 54, after line 24, insert the following new section (and update the table of contents accordingly):

SEC. 307. ENSURING ACCESS TO MENTAL HEALTH SERVICES FOR CHILDREN UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM.

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

“(E) Mental health services and substance use disorder services (including behavioral health treatment).”.

(b) MENTAL HEALTH SERVICES.—

(1) IN GENERAL.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(e)) is amended—

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

(B) by inserting after paragraph (4) the following new paragraph:
“(5) MENTAL HEALTH SERVICES.—The child health assistance provided to a targeted low-income child or targeted low-income pregnant woman shall, regardless of the type of benefit package—

“(A) include coverage of mental health services necessary to prevent, diagnose, and treat a broad range of mental health symptoms and disorders, including substance use disorders; and

“(B) be delivered in a culturally and linguistically appropriate manner.”.

(2) CONFORMING AMENDMENTS.—

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

(B) Section 2110(b)(5)(A)(i) of the Social Security Act (42 U.S.C. 1397ee(b)(5)(A)(i)) is amended by striking “subsection (c)(5)” and inserting “subsection (c)(6)”.

(c) ASSURING ACCESS TO CARE.—Section 2102(a)(7)(B) of the Social Security Act (42 U.S.C. 1397bb(c)(2)) is amended by striking “section
2103(c)(5)’’ and inserting “paragraphs (5) and (6) of section 2103(c)’’.

(d) Mental Health Services Parity.—Subparagraph (A) of paragraph (7) of section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) (as redesignated by subsection (b)(1)) is amended to read as follows:

“(A) In general.—A State child health plan shall ensure that the financial requirements and treatment limitations applicable to mental health or substance use disorder benefits provided under such plan comply with the requirements of section 2705(a) of the Public Health Service Act in the same manner as such requirements or limitations apply to a group health plan under such section.”.

(e) Effective Date.—

(1) In general.—Subject to paragraph (2), the amendments made by this section shall take effect one year after the date of the enactment of this Act.

(2) Exception for state legislation.—In the case of a State child health plan under title XXI of the Social Security Act (or a waiver of such plan), which the Secretary of Health and Human Services determines requires State legislation in order for the
respective plan (or waiver) to meet any requirement imposed by the amendments made by this section, the respective plan (or waiver) shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this section. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.