

A BILL

To amend title XIX of the Social Security Act to ensure early and continued access to mental health, substance use, and behavior health services without requiring formal diagnosis as a condition of coverage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expanding Mental and Behavioral Health Access Act."

SEC. 2. MODIFICATION OF MEDICAL NECESSITY REQUIREMENTS FOR BEHAVIORAL HEALTH SERVICES.

(a) In General.

Section 1905(a) of the Social Security Act (43 U.S.C. 1396d(a)) is amended by adding the following subparagraph:

"(31) Behavioral health services, as defined by this section, furnished to an individual based on functional impairment, risk factors, or preventative need, without the requirement of a formal mental health or substance use disorder diagnosis."

(b) Definition of Behavioral Health Services.

Section 1905 of such Act is amended by adding the following subsection:

"(zz) For the purposes of this title, the term 'behavioral health services' includes items and services for the prevention, screening, assessment, treatment, recovery, and management of mental health and substance use conditions, including:

1. Outpatient therapy and counseling;
2. Peer support services;
3. Community-based behavioral health services;
4. Crisis intervention and stabilization services;
5. Case management and care coordination; and
6. Other services, as deemed appropriate by the Secretary."

(c) Modification of Medical Necessity Standard.

Section 1902(a)(17) of such Act is amended by adding the following language:

"In the case of behavioral health services, including those used to treat 'mental diseases,' as referred to by this Act, the term 'medical necessity' shall include services furnished:

1. To prevent the onset or worsening of a mental health or substance use condition'
2. To address the functional impairment in daily living activities;
3. Based on the identified risk factors, including trauma exposure, substance use risk of other social determinants of health,

And shall not require the presence of a diagnosed disorder as a condition of coverage."

(d) Safeguards for Patients in Institutions for mental diseases.

Section 1902(a)(20)(B) of such Act is amended by adding the following language:

" , but nothing in the 'periodic review' or 'periodic determination of his need for continued treatment' shall be restricted by a medical diagnosis, if an identified risk factor exists, as defined by this section."

SEC 3. STATE PLAN REQUIREMENTS

(a) Section 1902(a) of such Act is amended by adding the following subsections:

"(88) provide for coverage of behavioral health services without requiring formal diagnosis, consistent with section 1905(kk);

(89) ensure access to preventative and early intervention behavioral health services; and

(90) implement standardized screening tools and functional assessments to determine eligibility for such services."

SEC 4. GUIDANCE AND IMPLEMENTATION

(a) Federal Guidance

The Secretary of Health and Human Services shall, no later than 12 months after enactment:

1. Issue guidance to States on implementing diagnosis-free eligibility for behavioral health services;
2. Identify evidence-based screening and assessment tools;
3. Clarify eligible providers, including peer support specialists and community health workers; and

4. Conduct a reasonable effort to educate the public on the new standards.

SEC. 5. Effective Date.

(a) This Act shall take effect 18 months after enactment.