

Congressional Update - House Passes Bipartisan Mental Health Legislation

Lewis-Burke Associates, LLC – June 24, 2022

On June 23, the House of Representatives passed the *Restoring Hope for Mental Health and Well-Being Act*, H.R. 7666, with a vote of 402-20. Introduced by House Energy and Commerce Committee Chair Frank Pallone (D-NJ) and Ranking Member Cathy McMorris Rodgers (R-WA), the bill authorizes new and existing programs within the Department of Health and Human Services (HHS) that directly address mental health and substance use disorder treatment and recovery. The bill would create a Behavioral Health Crisis Coordinating Office, which would coordinate efforts regarding behavioral health crisis care across agencies within HHS, including the Substance Abuse and Mental Health Administration (SAMHSA), Health Resources and Services Administration (HRSA), the Centers for Medicare and Medicaid Services (CMS), and external stakeholders. The bill also seeks to establish a Mental Health Crisis Response Partnership Pilot program, which directs the Secretary of HHS to award competitive grants to States, localities, territories, and tribes to establish or enhance mobile crisis response teams that divert the response for mental health and substance use crises away from law enforcement.

The bill would also require the Secretary to publish best practices for a crisis response continuum of care to be used by healthcare and crisis services providers, as well as crisis services administrators. The best practices are intended to outline a core set of services for a crisis response that do not require prior authorization by a health insurer, a referral from a provider, and can serve anyone regardless of their ability to pay.

The bill would provide funding to states to partner with community programs, primary care providers, or health centers to provide evidence-based, integrated behavioral health services. It would also provide \$60 million in grant funding for technical assistance for primary behavioral healthcare integration for fiscal year (FY) 2023 through FY 2027.

The bill would reauthorize several programs that support mental health and substance use disorder prevention, treatment, and recovery between FY 2023 and FY 2027, and would direct SAMHSA to develop best practices and promote the availability of recovery housing for individuals with substance use disorders during the same five-year period. The bill would also authorize funding for the National Academies of Sciences, Engineering, and Medicine to conduct a corresponding study of best practices for recovery housing.

The legislation would reauthorize and rename SAMHSA's Substance Use (from Substance Abuse) Prevention, Treatment, Recovery Block Grant and seeks to provide \$1.9 billion each year for the program for FY 2023 through FY 2027. The block grants provide states and tribes funding to plan, carry out, and evaluate substance use disorder prevention, treatment, and recovery services.

The bill would provide funding for the following programs for infants, children, and adolescents:

- The Pediatric Mental Health Care Access grant program at \$14 million annually for FY 2023 through FY 2025 and \$30 million annually for FY 2026 through FY 2027.
- The Garrett Lee Smith Memorial Reauthorization at \$9 million annually for FY 2023 through FY 2027.

- The Infant and Early Childhood Mental Health Grant Program at \$50 million for the period of FY 2023 through FY 2027.
- Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbances Grants at \$125 million annually for FY 2023 through FY 2027.
- The Enhancement and Expansion of Treatment and Recovery Services for Adolescents, Transitional Aged Youth, and their Families (Youth and Family TREE) at \$29.6 million annually for FY 2023 through FY 2027.

The legislation seeks to reauthorize programs across SAMHSA and HRSA that strengthen the behavioral health care workforce. Reauthorized programs would include the Minority Fellowship Program at \$25 million for the period of FY 2023 through FY 2027; mental and behavioral health training grants, which fund the Behavioral Health Workforce and Education Training (BHWET) Program, through FY 2027; and mental and behavioral health training demonstration grants administered by HRSA at \$31.7 million through FY 2027.

The bill calls for research on the effects of smartphone and social media use on adolescents, requiring the HHS Secretary to study the effects of such use on emotional, behavioral, and physical health and development as well as any disparities in the mental health outcomes of rural, minority, and other underserved populations. The bill would also direct the National Institute of Health (NIH) to conduct and support research concerning the health and developmental effects of media on infants, children, and adolescents, which may include the positive and negative effects of exposure to and use of media, including social media, websites, mobile devices, computers, video games, among others.

In addition, the legislation would strengthen parity for mental health and substance use services by requiring self-funded and non-governmental health plans to comply with parity requirements and by funding state implementation efforts. The legislation would also extend Medicaid and the Children's Health Insurance Program (CHIP) coverage for health screenings of juvenile inmates and includes a provision requiring the HHS Secretary to issue guidance to states on how to expand pediatric behavioral health services for children covered by Medicaid and CHIP.

Notable amendments added to the final bill include revising SAMHSA's Project AWARE program to provide comprehensive school-based mental health services for children and adolescents, including screening, treatment, and outreach programs; and an amendment that requires HHS to develop best practices for establishing behavioral intervention teams in educational settings, consisting of elementary schools, secondary schools, and institutions of higher education.

While the legislation passed the House with broad bipartisan support, it is unclear whether the legislation will pass the Senate. Currently, the Senate Health, Education, Labor and Pensions (HELP) Committee and the Senate Finance Committee are drafting and releasing their own mental health reauthorization packages. It is likely that both the Senate HELP and Finance committees will release their own legislation before producing a final package in the fall or winter. Nevertheless, mental health and substance use disorder research, treatment, and care continue to be a priority for both Congress and the Biden Administration.

Sources and Additional Information:

- The full bill text is available at <https://www.congress.gov/bill/117th-congress/house-bill/7666/text>.