

118TH CONGRESS  
1ST SESSION

# S. 1774

To amend the Social Security Act to provide for an increased Federal medical assistance percentage for State expenditures on certain behavioral health services furnished under the Medicaid program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 31 (legislative day, MAY 30), 2023

Mr. WARNOCK (for himself, Ms. STABENOW, Mr. BOOKER, Mr. PADILLA, Mr. CARPER, Ms. WARREN, and Mr. FETTERMAN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Social Security Act to provide for an increased Federal medical assistance percentage for State expenditures on certain behavioral health services furnished under the Medicaid 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advancing Student  
5 Services In Schools Today Act” or the “ASSIST Act”.

1 **SEC. 2. INCREASING THE APPLICABLE FMAP FOR STATE**  
 2 **EXPENDITURES ATTRIBUTABLE TO CERTAIN**  
 3 **BEHAVIORAL HEALTH SERVICES.**

4 Section 1905 of the Social Security Act (42 U.S.C.  
 5 1396d) is amended—

6 (1) in subsection (b), by striking “and (ii)” and  
 7 inserting “(ii), and (jj)”; and

8 (2) by adding at the end the following new sub-  
 9 section:

10 “(jj) INCREASED FMAP FOR MEDICAL ASSISTANCE  
 11 FOR SERVICES FURNISHED BY MENTAL HEALTH AND  
 12 SUBSTANCE USE DISORDER CARE PROVIDERS IN CER-  
 13 TAIN SCHOOL-BASED SETTINGS.—

14 “(1) IN GENERAL.—Notwithstanding any pre-  
 15 ceding provision of this section, with respect to State  
 16 expenditures for medical assistance consisting of  
 17 services provided by a mental health and substance  
 18 use disorder care provider (as defined in section 3  
 19 of the Advancing Student Services In Schools Today  
 20 Act) and furnished at a school or at a school-based  
 21 health center (as defined in section 399Z–1(a)(3) of  
 22 the Public Health Service Act) on or after the first  
 23 day of the first calendar quarter beginning on or  
 24 after the date that is 12 months after the date of  
 25 the enactment of this subsection, the Federal med-  
 26 ical assistance percentage otherwise determined

1 under subsection (b) shall, subject to paragraph (2),  
2 be equal to 90 percent.

3 “(2) APPLICATION OF HIGHER MATCH.—Para-  
4 graph (1) shall not apply in the case of State ex-  
5 penditures described in such paragraph if applica-  
6 tion of such paragraph would result in a lower Fed-  
7 eral medical assistance percentage for such expendi-  
8 tures than would otherwise apply without application  
9 of such paragraph.

10 “(3) EXCLUSION OF EXPENDITURES FROM TER-  
11 RITORIAL CAP.—Any payment made to a territory  
12 for expenditures for medical assistance described in  
13 paragraph (1) that are subject to the Federal med-  
14 ical assistance percentage specified under such para-  
15 graph shall not be taken into account for purposes  
16 of applying payment limits under subsections (f) and  
17 (g) of section 1108 to the extent that such payment  
18 exceeds the amount of the payment that would have  
19 been made to the territory for such expenditures  
20 without regard to this subsection.”.

1 **SEC. 3. PROGRAM TO INCREASE MENTAL HEALTH AND**  
2 **SUBSTANCE USE DISORDER CARE PRO-**  
3 **VIDERS IN SCHOOLS AND SCHOOL-BASED**  
4 **HEALTH CENTERS.**

5 (a) FINDINGS.—Congress finds that the lack of ac-  
6 cess to mental health and substance use disorder care in  
7 schools and school-based health centers has a negative im-  
8 pact on the health of children in the United States, includ-  
9 ing children who are eligible for coverage under the Med-  
10 icaid and Children’s Health Insurance Program.

11 (b) GRANT AUTHORITY.—Not later than 12 months  
12 after the date of enactment of this Act, the Secretary of  
13 Health and Human Services (referred to in this section  
14 as the “Secretary”), in consultation with the Adminis-  
15 trator of the Centers for Medicare & Medicaid Services  
16 and the Secretary of Education, shall award grants, con-  
17 tracts, or cooperative agreements to eligible entities to in-  
18 crease the number of mental health and substance use dis-  
19 order care providers in schools and school-based health  
20 centers served by such entities.

21 (c) APPLICATION.—An eligible entity seeking an  
22 award under this section shall submit an application to  
23 the Secretary at such time, in such manner, and con-  
24 taining such information as the Secretary may require, in-  
25 cluding a description of—

1           (1) the mental health and substance use dis-  
2           order needs of the student population served by the  
3           eligible entity; and

4           (2) with respect to the student population  
5           served by the eligible entity, how the eligible entity  
6           will ensure that the mental health and substance use  
7           disorder care providers supported by the eligible en-  
8           tity, and the services administered by such pro-  
9           viders, are culturally competent and linguistically  
10          appropriate.

11          (d) RESTRICTION.—No funds made available through  
12          an award under this section may be used for a threat as-  
13          sessment team.

14          (e) REPORTING.—

15               (1) ELIGIBLE ENTITY REPORTING.—Eligible  
16               entities receiving an award under this section shall  
17               submit an annual report to the Secretary accom-  
18               panied by such information as the Secretary may re-  
19               quire, including—

20                       (A) the number of mental health and sub-  
21                       stance use disorder care providers working at  
22                       the schools or school-based health centers  
23                       served by the eligible entity, and the number of  
24                       such providers supported through the award;

1 (B) the types of services provided by the  
2 mental health and substance use disorder care  
3 providers and the efficacy of such services;

4 (C) the practices used by the schools or  
5 school-based health centers served by the eligi-  
6 ble entity to recruit and retain mental health  
7 and substance use disorder care providers; and

8 (D) the rates of retention of mental health  
9 and substance use disorder care providers at  
10 the school or school-based health center.

11 (2) SECRETARY.—Not later than 18 months  
12 after the date of enactment of this section, and every  
13 5 years thereafter, the Secretary shall submit to  
14 Congress a report on the effectiveness of the awards  
15 under this section.

16 (f) DEFINITIONS.—In this section:

17 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
18 ty” means—

19 (A) a local educational agency, as defined  
20 in section 8101 of the Elementary and Sec-  
21 ondary Education Act of 1965 (20 U.S.C.  
22 7801);

23 (B) an institution of higher education, as  
24 defined in section 101 of the Higher Education  
25 Act of 1965 (20 U.S.C. 1001);

1 (C) a school operated by the Bureau of In-  
 2 dian Affairs; or

3 (D) a school-based health center, as de-  
 4 fined in section 399Z-1(a)(3) of the Public  
 5 Health Service Act (42 U.S.C. 280h-5(a)(3)).

6 (2) MENTAL HEALTH AND SUBSTANCE USE  
 7 DISORDER CARE PROVIDER.—The term “mental  
 8 health and substance use disorder care provider”  
 9 means an individual who is licensed or credentialed  
 10 to provide mental health and substance use disorder  
 11 services, including—

12 (A) a school counselor;

13 (B) a school psychologist or any other psy-  
 14 chologist;

15 (C) a psychiatrist who specializes in child  
 16 or adolescent psychiatry;

17 (D) a school social worker;

18 (E) a peer support specialist or peer recov-  
 19 ery coach;

20 (F) a licensed clinical social worker;

21 (G) an addiction medicine specialist; and

22 (H) other providers, as the Secretary de-  
 23 termines appropriate.

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