

## **FEDERAL MENTAL HEALTH LEGISLATION UPDATE**

House Energy and Commerce Committee Chairman Fred Upton (R-MI) has begun circulating a revised draft of comprehensive mental health reform legislation. According to congressional staff familiar with the situation, the Chairman is pushing a modified bill including provisions from both Rep. Tim Murphy's (R-PA) bill – [Helping Families in Mental Health Crisis Act](#) (H.R. 2646) and Rep. Gene Greene's (D-TX) bill – [Comprehensive Behavioral Health Reform and Recovery Act](#) (H.R. 4435).

The updated draft makes several changes that the Chairman hopes will lead to compromise between the two parties. As reported last week in the *Capitol Connector*, passing comprehensive mental health reform legislation remains a top priority for Mr. Upton in 2016. While initially aiming to hold a hearing on the bill this week, staff are now suggesting that the Committee will likely take up a version of the measure in June.

Reported highlights of the draft, include:

- **IMD Exclusion**– Rep. Upton's draft would reportedly scale back provisions to end a limit on Medicaid coverage for residential treatment at institutions for mental diseases (IMDs). The new language would codify [provisions in a recent Medicaid managed care rule](#) from the Centers for Medicare and Medicaid Services (CMS) that allows for federal Medicaid payments to be made to residential treatment facilities for short term stays (no more than 15 days in one month) for patients enrolled in Medicaid managed care.
- **HIPPA**– Language to make clear it is the responsibility of the Department of Health and Human Services (HHS) to review and implement privacy regulations regarding the Health Information Portability and Accountability Act (HIPAA), as opposed to changing the underlying standards.
- **Parity**– The Mental Health Parity and Addiction Equity Act mandated that any insurance plans that cover mental health and substance abuse must provide equal benefits for those needs as for physical health care. While H.R. 2646 required CMS to report on federal investigations into compliance with the law, that language would be scaled down in the compromise bill.
- **SAMHSA Grants**– Rep. Upton's draft reportedly would reauthorize funding under SAMHSA that provides grants to address mental health needs of importance to states and other local entities. The program had a FY 2016 budget of \$909 million. One of the programs expected to gain continued support under the fund is the National Child Traumatic Stress Network. That organization was established by the federal government to improve care and access to services for traumatized children and their families.
- **SAMHSA Administrator**– While the new bill still would establish a position for an assistant secretary for mental health and substance use disorders at HHS, the position would not absorb the responsibility of the administrator for SAMHSA, as initially proposed.
- **National Mental Health Policy Lab**– The new bill would still establish a National Mental Health Policy Lab, which would pursue policy initiatives impacting mental health and substance use.