

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title XVIII of the Social Security Act and the SUPPORT for Patients and Communities Act to provide for Medicare and Medicaid mental and behavioral health treatment through telehealth.

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IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title XVIII of the Social Security Act and the SUPPORT for Patients and Communities Act to provide for Medicare and Medicaid mental and behavioral health treatment through telehealth.

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 “Enhance Access to  
5       Support Essential Behavioral Health Services Act” or the  
6       “EASE Behavioral Health Services Act”.

7       **SEC. 2. FINDINGS.**

8       Congress finds as follows:

1           (1) Nearly 18 percent of adults in the United  
2 States reported a mental, behavioral, or emotional  
3 disorder in 2015.

4           (2) Children are also significantly impacted. Ac-  
5 cording to the Centers for Disease Control and Pre-  
6 vention, 1 in 6 children ages 2 years through 8 years  
7 have a diagnosed mental, behavioral, or develop-  
8 mental disorder, indicating that disorders begin in  
9 early childhood and affect lifelong health.

10          (3) Moreover, 1 in 7 children and adolescents  
11 have at least one treatable mental health disorder.

12          (4) There is a critical link between mental  
13 health and substance use disorders. According to the  
14 Substance Abuse and Mental Health Services Ad-  
15 ministration, 1 in 4 adults with severe mental illness  
16 had a substance use disorder in 2017.

17          (5) Moreover, children who have had a major  
18 depressive episode are more than twice as likely to  
19 use illicit drugs.

20          (6) In 2017, approximately 19.7 million people  
21 aged 12 years or older had a substance use disorder  
22 related to their use of alcohol or illicit drugs in the  
23 past year.

1           (7) Despite this overwhelming need, access to  
2 behavioral health services remains among the most  
3 pressing health care challenges in our country.

4           (8) An estimated 56 percent of Americans with  
5 a mental health disorder did not receive treatment in  
6 2017.

7           (9) Similarly, half of children and adolescents  
8 did not receive treatment for their mental health dis-  
9 order in 2016.

10          (10) Further complicating access to care, as de-  
11 mand for behavioral health services increases in  
12 communities across the United States, the number  
13 of psychiatrists available to treat them continues to  
14 decline.

15          (11) The population of practicing psychiatrists  
16 declined by more than 10 percent between the period  
17 of 2003 through 2013, while the population of pri-  
18 mary care physicians and neurologists grew during  
19 the same period.

20          (12) Technology has evolved to connect individ-  
21 uals to health care services in new ways, including  
22 via telehealth.

23          (13) Moreover, studies show that video visits  
24 are an effective strategy to provide mental health

1 treatment to children and, in fact, may be preferable  
2 in some cases.

3 (14) During the 115th Congress, Congress rec-  
4 ognized the potential of telehealth to ensure that  
5 those in urgent need of substance use disorder treat-  
6 ment receive the care they require.

7 (15) As passed and signed into law, sections  
8 2001 and 1009 of the SUPPORT for Patients and  
9 Communities Act (Public Law 115–271) expands  
10 the use of telehealth services for the treatment of  
11 opioid use disorder and other substance use dis-  
12 orders.

13 (16) It is widely recognized that there is a close  
14 relationship between mental health and substance  
15 use disorders.

16 **SEC. 3. MEDICARE TREATMENT OF BEHAVIORAL HEALTH**  
17 **SERVICES FURNISHED THROUGH TELE-**  
18 **HEALTH.**

19 Section 1834(m) of the Social Security Act (42  
20 U.S.C. 1395m(m)) is amended—

21 (1) in paragraph (4)(C)—

22 (A) in clause (i), by striking “and (7)” and  
23 inserting “(7), and (9)”; and

24 (B) in clause (ii)(X)—

1 (i) by striking “or telehealth services”  
 2 and inserting “, telehealth services”; and

3 (ii) by inserting “or telehealth services  
 4 described in paragraph (9)” before the pe-  
 5 riod at the end; and

6 (2) by adding at the end the following new  
 7 paragraph:

8 “(9) TREATMENT OF BEHAVIORAL HEALTH  
 9 SERVICES FURNISHED THROUGH TELEHEALTH.—

10 The geographic requirements described in paragraph  
 11 (4)(C)(i) shall not apply with respect to telehealth  
 12 services that are behavioral health services furnished  
 13 on or after January 1, 2022, to eligible telehealth in-  
 14 dividuals, including initial patient evaluations, fol-  
 15 low-up medical management, and other behavioral  
 16 health services, as determined by the Secretary, at  
 17 an originating site described in paragraph (4)(C)(ii)  
 18 (other than an originating site described in sub-  
 19 clause (IX) of such paragraph).”.

20 **SEC. 4. MEDICAID MENTAL AND BEHAVIORAL HEALTH**  
 21 **TREATMENT THROUGH TELEHEALTH.**

22 Section 1009 of the SUPPORT for Patients and  
 23 Communities Act (Public Law 115–271) is amended—

24 (1) in subsection (b)—

1 (A) in the header, by striking “TREAT-  
2 MENT FOR SUBSTANCE USE DISORDERS” and  
3 inserting “TREATMENT FOR SUBSTANCE USE  
4 DISORDERS AND MENTAL HEALTH DISORDERS  
5 AND BEHAVIORAL HEALTH DISORDERS”;

6 (B) in the matter preceding paragraph (1),  
7 by striking “Not later than 1 year after the  
8 date of enactment of this Act, the Secretary”  
9 and inserting “The Secretary”;

10 (C) in paragraph (1)—

11 (i) by striking “treatment for sub-  
12 stance use disorders” and inserting “treat-  
13 ment for substance use disorders and men-  
14 tal health disorders and behavioral health  
15 disorders”; and

16 (ii) by inserting “psychotherapy,”  
17 after “counseling.”;

18 (D) in paragraph (2), by inserting “or  
19 mental health disorders and behavioral health  
20 disorders” after “substance use disorders”;

21 (E) in paragraph (3), by inserting “and  
22 mental health disorders and behavioral health  
23 disorders” after “substance use disorders”; and

24 (F) by adding at the end, below and after  
25 paragraph (3), the following flush left text:

1 “The Secretary shall issue the guidance under this sub-  
2 section not later than 1 year after the date of the enact-  
3 ment of this Act, with respect to the matters described  
4 in the previous provisions of this subsection relating to  
5 substance use disorders, and not later than 2 years after  
6 the date of the enactment of this Act, with respect to the  
7 matters described in such previous provisions relating to  
8 mental health disorders and behavioral health disorders.”;

9 (2) in subsection (c)—

10 (A) in the header, by striking “TREAT-  
11 MENT FOR SUBSTANCE USE DISORDERS” and  
12 inserting “TREATMENT FOR SUBSTANCE USE  
13 DISORDERS AND MENTAL HEALTH DISORDERS  
14 AND BEHAVIORAL HEALTH DISORDERS”;

15 (B) in paragraph (1), by striking “treat-  
16 ment for substance use disorders” and inserting  
17 “treatment for substance use disorders and  
18 mental health disorders and behavioral health  
19 disorders” each place it appears; and

20 (C) in paragraph (2)—

21 (i) by inserting “with respect to sub-  
22 stance use disorders,” after “paragraph  
23 (1),”; and

24 (ii) by adding at the end the following  
25 new sentence: “Not later than 2 years

1 after the date of enactment of this Act, the  
2 Comptroller General shall submit to Con-  
3 gress a report containing the results of the  
4 evaluation conducted under paragraph (1),  
5 with respect to mental health disorders and  
6 behavioral health disorders, together with  
7 recommendations for such legislation and  
8 administrative action as the Comptroller  
9 General determines appropriate.”; and

10 (3) in subsection (d)(1)—

11 (A) in the matter preceding subparagraph  
12 (A), by inserting “and mental health disorders  
13 and behavioral health disorders” after “sub-  
14 stance use disorders”;

15 (B) in subparagraph (A), by inserting “,  
16 and mental health disorders and behavioral  
17 health disorders” after “opioid use disorder”;  
18 and

19 (C) in subparagraph (B), by inserting  
20 “and mental health disorders and behavioral  
21 health disorders” after “substance use dis-  
22 orders”.



**1 SEC. 5. EFFECTIVE DATE.**

2       The amendments made by this Act shall take effect  
3 as is included in the enactment of the SUPPORT for Pa-  
4 tients and Communities Act.