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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. ______

To provide coverage of crisis response services under certain programs.

IN THE HOUSE OF REPRESENTATIVES

Ms. MCCLELLAN introduced the following bill; which was referred to the Committee on ______________________________

A BILL

To provide coverage of crisis response services under certain programs.

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 ''Behavioral Health Crisis Services Expansion Act of 2026''.

SEC. 2. COVERAGE OF CRISIS RESPONSE SERVICES.

(a) COVERAGE UNDER THE MEDICARE PROGRAM.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (JJ), by striking "and" at the end;

(B) in subparagraph (KK), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(LL) crisis response services as defined in subsection (ooo);".

(2) CRISIS RESPONSE SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"(ooo) CRISIS RESPONSE SERVICES.—

"(1) IN GENERAL.—The term 'crisis response services' means mental health or substance use services that are furnished by a mobile crisis response team, a crisis receiving and stabilization facility, mental health or substance use urgent care facility, or other appropriate provider, as determined by the Secretary, to an individual, including children and adolescents, experiencing a mental health or substance use crisis.

"(2) CRISIS RECEIVING AND STABILIZATION FACILITY.—For purposes of paragraph (1), the term 'crisis receiving and stabilization facility' means a facility that—

"(A) qualifies for licensure or certification as a crisis receiving and stabilization facility, pursuant to State law of the State in which such facility furnishes services;

"(B) provides 23-hour observation and assessment chairs or beds and 48-hour crisis stabilization psychiatric beds inclusive of withdrawal management and 24-hour medical monitoring;

"(C) provides mental health or substance use services 24-hours per days, 7 days per week using a sliding scale of payment, and neither rejects service nor limits services on the basis of a patient's ability to pay, place of residence, prior forensic engagement, acuity of mental health or substance use condition, intellectual or developmental disability, age or related factors;

"(D) supports no-wrong-door admission capacity available to law enforcement officers, emergency medical personnel, and family members; and

"(E) maintains an average length of stay of less than 150 hours.

"(3) MENTAL HEALTH AND SUBSTANCE USE URGENT CARE FACILITY.—For purposes of paragraph (1), the term 'mental health and substance use urgent care facility' means an ambulatory facility where individuals experiencing a mental or behavioral health crisis may walk in without an appointment to receive crisis assessment services, crisis intervention services, medication, and connection to other appropriate services.".

(3) PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(i) by striking "and (HH)" and inserting "(HH)"; and

(ii) by inserting before the semicolon at the end the following: "and (II) with respect to crisis response services described in section 1861(s)(2)(LL), the amounts paid shall be 80 percent of the lesser of the actual charge for the service or the amount determined under the payment basis established under section 1834(bb)''.

(B) ESTABLISHMENT OF PAYMENT BASIS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(bb) PAYMENT FOR CRISIS RESPONSE SERVICES.—The Secretary shall establish a payment basis determined appropriate by the Secretary with respect to crisis response services (as defined in section 1861(ooo)) furnished by a provider of services or supplier.''.

(4) AMBULANCE TRANSPORT OF INDIVIDUALS IN CRISIS.—

(A) IN GENERAL.—Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

''(18) TRANSPORTATION OF INDIVIDUALS IN CRISIS.—With respect to ambulance services furnished on or after the date that is 3 years after the date of the enactment of the Behavioral Health Crisis Services Expansion Act, the regulations described in section 1861(s)(7) shall provide coverage under such section for ambulance and other qualified emergency transport services to transport an individual experiencing a mental health or substance crisis to an appropriate facility, such as a community mental health center (as defined in section 1861(ff)(3)(B)) or other facility or provider identified by the Secretary, as appropriate, for crisis response services described in section 1861(s)(2)(LL).''.

(B) CONFORMING AMENDMENT.—Section 1861(s)(7) of such Act (42 U.S.C. 1395x(s)(7)) is amended by striking ''section 1834(l)(14)'' and inserting ''paragraphs (14) and (18) of section 1834(l)''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to services furnished on or after the date that is 3 years after the date of the enactment of this Act.

(b) MANDATORY COVERAGE OF CRISIS RESPONSE SERVICES UNDER THE MEDICAID PROGRAM.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902(a)(10)(A), in the matter preceding clause (i), by striking ''and (30)'' and inserting ''(30), and (31)''; and

(2) in section 1905—

(A) in subsection (a)—

(i) in paragraph (31), by striking "; and" and inserting a semicolon;

(ii) by redesignating paragraph (32) as paragraph (33); and

(iii) by inserting the following paragraph after paragraph (31):

"(32) crisis response services (as defined in section 1861(ooo)); and".

(3) PRESUMPTIVE ELIGIBILITY DETERMINATION BY CRISIS RESPONSE SERVICE PROVIDERS.—Section 1902(a)(47)(B) of the Social Security Act (42 U.S.C. 1396a(a)(47)(B)) is amended by inserting "or provider of crisis response services (as defined in section 1861(ooo))" after "any hospital".

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on the date that is 3 years after the date of the enactment of this Act.

(B) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) GROUP HEALTH PLANS AND HEALTH INSURANCE ISSUERS.—

(1) PHSA.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–111 et seq.) is amended by adding at the end the following new section:

"SEC. 2799A–12. REQUIRED COVERAGE OF CRISIS RESPONSE SERVICES.

"(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall provide benefits under such plan or coverage for crisis response services (as defined in section 1861(ooo) of the Social Security Act).

"(b) APPLICATION OF FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall ensure that, with respect to services for which benefits are required to be provided under such plan or coverage under subsection (a)—

"(1) the financial requirements applicable to such services are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan or coverage and there are no separate cost-sharing requirements that are applicable only with respect to such services; and

"(2) the treatment limitations applicable to such items and services are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan or coverage and there are no separate treatment limitations that are applicable only with respect to such services.

''(c) DEFINITIONS.—In this section, the terms 'financial requirement', 'predominant', and 'treatment limitation' have the meaning given such terms in clauses (i) through (iii), respectively, of section 2726(a)(3)(B), except that the term 'financial requirement' shall include aggregate lifetime limits and annual limits.''.

(2) ERISA.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 727. REQUIRED COVERAGE OF CRISIS RESPONSE SERVICES.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering group health insurance coverage shall provide benefits under such plan or coverage for crisis response services (as defined in section 1861(ooo) of the Social Security Act).

''(b) APPLICATION OF FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—A group health plan and a health insurance issuer offering group health insurance coverage shall ensure that, with respect to services for which benefits are required to be provided under such plan or coverage under subsection (a)—

"(1) the financial requirements applicable to such services are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan or coverage and there are no separate cost-sharing requirements that are applicable only with respect to such services; and

"(2) the treatment limitations applicable to such items and services are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan or coverage and there are no separate treatment limitations that are applicable only with respect to such services.

"(c) DEFINITIONS.—In this section, the terms 'financial requirement', 'predominant', and 'treatment limitation' have the meaning given such terms in clauses (i) through (iii), respectively, of section 712(a)(3)(B), except that the term 'financial requirement' shall include aggregate lifetime limits and annual limits.".

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C.

1001 note) is amended by inserting after the item relating to section 726 the following new item:

"Sec. 727. Required coverage of crisis response services.''.

(3) IRC.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9827. REQUIRED COVERAGE OF CRISIS RESPONSE SERVICES.

"(a) IN GENERAL.—A group health plan shall provide benefits under such plan for crisis response services (as defined in section 1861(ooo) of the Social Security Act).

"(b) APPLICATION OF FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—A group health plan shall ensure that, with respect to services for which benefits are required to be provided under such plan under subsection (a)—

"(1) the financial requirements applicable to such services are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan and there are no separate cost-sharing requirements that are applicable only with respect to such services; and

"(2) the treatment limitations applicable to such items and services are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan and there are no separate treatment limitations that are applicable only with respect to such services.

"(c) DEFINITIONS.—In this section, the terms 'financial requirement', 'predominant', and 'treatment limitation' have the meaning given such terms in clauses (i) through (iii), respectively, of section 9812(a)(3)(B), except that the term 'financial requirement' shall include aggregate lifetime limits and annual limits.".

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 9827. Required coverage of crisis response services.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan years beginnign on or after the date that is 3 years after the date of the enactment of this Act.

(d) TRICARE COVERAGE.—

(1) In general.—The Secretary of Defense shall provide coverage under the TRICARE program for crisis response services, as defined in section 1861(ooo) of the Social Security Act (42 U.S.C. 1395x).

(2) TRICARE program defined.—In this section, the term "TRICARE program" has the meaning given the term in section 1072 of title 10, United States Code.

(e) Reimbursement for Crisis Response Services for Veterans.—Section 1725(f)(1) of title 38, United States Code, is amended, in the matter preceding subparagraph (A), by inserting ", including crisis response services (as defined in subsection (ooo) of section 1861 of the Social Security Act (42 U.S.C. 1395x))," after "services".

(f) Coverage Under FEHB.—

(1) In general.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(p) Each contract for a plan under this chapter shall require the carrier to provide coverage for crisis response services, as that term is defined in subsection (ooo) of section 1861 of the Social Security Act (42 U.S.C. 1395x).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply beginning with respect to the third contract year for chapter 89 of title 5, United States Code, that begins on or after the date that is 3 years after the date of enactment of this Act.

(g) COVERAGE UNDER CHIP.—Section 2103(c)(5) of the Social Security Act (42 U.S.C. 1397cc(c)(5)) is amended—

(1) in subparagraph (A), by striking ‘‘and’’ at the end;

(2) in subparagraph (B), by striking the period and inserting ‘‘; and’’; and

(3) by adding at the end the following new subparagraph:

‘‘(C) beginning on the date that is 3 years after the date of the enactment of this subparagraph, crisis response services (as defined in section 1861(ooo)).’’.