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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.

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 “Behavioral Health Cri-
5 sis Services Expansion Act of 2026”.

6 **SEC. 2. COVERAGE OF CRISIS RESPONSE SERVICES.**

7 (a) COVERAGE UNDER THE MEDICARE PROGRAM.—

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

4 (A) in subparagraph (JJ), by striking
5 “and” at the end;

6 (B) in subparagraph (KK), by striking the
7 period at the end and inserting “; and”; and

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

10 “(LL) crisis response services as defined in
11 subsection (ooo);”.

12 (2) CRISIS RESPONSE SERVICES DEFINED.—
13 Section 1861 of the Social Security Act (42 U.S.C.
14 1395x) is amended by adding at the end the fol-
15 lowing new subsection:

16 “(ooo) CRISIS RESPONSE SERVICES.—

17 “(1) IN GENERAL.—The term ‘crisis response
18 services’ means mental health or substance use serv-
19 ices that are furnished by a mobile crisis response
20 team, a crisis receiving and stabilization facility,
21 mental health or substance use urgent care facility,
22 or other appropriate provider, as determined by the
23 Secretary, to an individual, including children and
24 adolescents, experiencing a mental health or sub-
25 stance use crisis.

1 “(2) CRISIS RECEIVING AND STABILIZATION FA-
2 CILITY.—For purposes of paragraph (1), the term
3 ‘crisis receiving and stabilization facility’ means a
4 facility that—

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

9 “(B) provides 23-hour observation and as-
10 sessment chairs or beds and 48-hour crisis sta-
11 bilization psychiatric beds inclusive of with-
12 drawal management and 24-hour medical moni-
13 toring;

14 “(C) provides mental health or substance
15 use services 24-hours per days, 7 days per week
16 using a sliding scale of payment, and neither
17 rejects service nor limits services on the basis of
18 a patient’s ability to pay, place of residence,
19 prior forensic engagement, acuity of mental
20 health or substance use condition, intellectual
21 or developmental disability, age or related fac-
22 tors;

23 “(D) supports no-wrong-door admission ca-
24 pacity available to law enforcement officers,

1 emergency medical personnel, and family mem-
2 bers; and

3 “(E) maintains an average length of stay
4 of less than 150 hours.

5 “(3) MENTAL HEALTH AND SUBSTANCE USE
6 URGENT CARE FACILITY.—For purposes of para-
7 graph (1), the term ‘mental health and substance
8 use urgent care facility’ means an ambulatory facil-
9 ity where individuals experiencing a mental or be-
10 havioral health crisis may walk in without an ap-
11 pointment to receive crisis assessment services, crisis
12 intervention services, medication, and connection to
13 other appropriate services.”.

14 (3) PAYMENT.—

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

18 (i) by striking “and (HH)” and in-
19 serting “(HH)”; and

20 (ii) by inserting before the semicolon
21 at the end the following: “and (II) with re-
22 spect to crisis response services described
23 in section 1861(s)(2)(LL), the amounts
24 paid shall be 80 percent of the lesser of the
25 actual charge for the service or the amount

1 determined under the payment basis estab-
2 lished under section 1834(bb)’’.

3 (B) ESTABLISHMENT OF PAYMENT
4 BASIS.—Section 1834 of the Social Security Act
5 (42 U.S.C. 1395m) is amended by adding at
6 the end the following new subsection:

7 “(bb) PAYMENT FOR CRISIS RESPONSE SERVICES.—
8 The Secretary shall establish a payment basis determined
9 appropriate by the Secretary with respect to crisis re-
10 sponse services (as defined in section 1861(ooo)) furnished
11 by a provider of services or supplier.’’.

12 (4) AMBULANCE TRANSPORT OF INDIVIDUALS
13 IN CRISIS.—

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

18 “(18) TRANSPORTATION OF INDIVIDUALS IN
19 CRISIS.—With respect to ambulance services fur-
20 nished on or after the date that is 3 years after the
21 date of the enactment of the Behavioral Health Cri-
22 sis Services Expansion Act, the regulations described
23 in section 1861(s)(7) shall provide coverage under
24 such section for ambulance and other qualified emer-
25 gency transport services to transport an individual

1 experiencing a mental health or substance crisis to
2 an appropriate facility, such as a community mental
3 health center (as defined in section 1861(ff)(3)(B))
4 or other facility or provider identified by the Sec-
5 retary, as appropriate, for crisis response services
6 described in section 1861(s)(2)(LL).”.

7 (B) CONFORMING AMENDMENT.—Section
8 1861(s)(7) of such Act (42 U.S.C. 1395x(s)(7))
9 is amended by striking “section 1834(l)(14)”
10 and inserting “paragraphs (14) and (18) of sec-
11 tion 1834(l)”.

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

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

20 (1) in section 1902(a)(10)(A), in the matter
21 preceding clause (i), by striking “and (30)” and in-
22 serting “(30), and (31)”; and

23 (2) in section 1905—

24 (A) in subsection (a)—

1 (i) in paragraph (31), by striking “;
2 and” and inserting a semicolon;

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

5 (iii) by inserting the following para-
6 graph after paragraph (31):

7 “(32) crisis response services (as defined in sec-
8 tion 1861(ooo)); and”.

9 (3) PRESUMPTIVE ELIGIBILITY DETERMINA-
10 TION BY CRISIS RESPONSE SERVICE PROVIDERS.—
11 Section 1902(a)(47)(B) of the Social Security Act
12 (42 U.S.C. 1396a(a)(47)(B)) is amended by insert-
13 ing “or provider of crisis response services (as de-
14 fined in section 1861(ooo))” after “any hospital”.

15 (4) EFFECTIVE DATE.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), the amendments made by
18 this section shall take effect on the date that is
19 3 years after the date of the enactment of this
20 Act.

21 (B) DELAY PERMITTED IF STATE LEGISLA-
22 TION REQUIRED.—In the case of a State plan
23 under title XIX of the Social Security Act (42
24 U.S.C. 1396 et seq.) which the Secretary of
25 Health and Human Services determines re-

1 quires State legislation (other than legislation
2 appropriating funds) in order for the plan to
3 meet the additional requirements imposed by
4 the amendments made by this section, the State
5 plan shall not be regarded as failing to comply
6 with the requirements of such title solely on the
7 basis of the failure of the plan to meet such ad-
8 ditional requirements before the first day of the
9 first calendar quarter beginning after the close
10 of the first regular session of the State legisla-
11 ture that begins after the date of enactment of
12 this Act. For purposes of the previous sentence,
13 in the case of a State that has a 2-year legisla-
14 tive session, each year of such session shall be
15 deemed to be a separate regular session of the
16 State legislature.

17 (c) GROUP HEALTH PLANS AND HEALTH INSUR-
18 ANCE ISSUERS.—

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

1 **“SEC. 2799A-12. REQUIRED COVERAGE OF CRISIS RE-**
2 **SPONSE SERVICES.**

3 “(a) IN GENERAL.—A group health plan and a health
4 insurance issuer offering group or individual health insur-
5 ance coverage shall provide benefits under such plan or
6 coverage for crisis response services (as defined in section
7 1861(ooo) of the Social Security Act).

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

14 “(1) the financial requirements applicable to
15 such services are no more restrictive than the pre-
16 dominant financial requirements applied to substan-
17 tially all medical and surgical benefits covered by the
18 plan or coverage and there are no separate cost-
19 sharing requirements that are applicable only with
20 respect to such services; and

21 “(2) the treatment limitations applicable to
22 such items and services are no more restrictive than
23 the predominant treatment limitations applied to
24 substantially all medical and surgical benefits cov-
25 ered by the plan or coverage and there are no sepa-

1 rate treatment limitations that are applicable only
2 with respect to such services.

3 “(c) DEFINITIONS.—In this section, the terms ‘finan-
4 cial requirement’, ‘predominant’, and ‘treatment limita-
5 tion’ have the meaning given such terms in clauses (i)
6 through (iii), respectively, of section 2726(a)(3)(B), except
7 that the term ‘financial requirement’ shall include aggre-
8 gate lifetime limits and annual limits.”.

9 (2) ERISA.—

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

15 **“SEC. 727. REQUIRED COVERAGE OF CRISIS RESPONSE**
16 **SERVICES.**

17 “(a) IN GENERAL.—A group health plan and a health
18 insurance issuer offering group health insurance coverage
19 shall provide benefits under such plan or coverage for cri-
20 sis response services (as defined in section 1861(ooo) of
21 the Social Security Act).

22 “(b) APPLICATION OF FINANCIAL REQUIREMENTS
23 AND TREATMENT LIMITATIONS.—A group health plan
24 and a health insurance issuer offering group health insur-
25 ance coverage shall ensure that, with respect to services

1 for which benefits are required to be provided under such
2 plan or coverage under subsection (a)—

3 “(1) the financial requirements applicable to
4 such services are no more restrictive than the pre-
5 dominant financial requirements applied to substan-
6 tially all medical and surgical benefits covered by the
7 plan or coverage and there are no separate cost-
8 sharing requirements that are applicable only with
9 respect to such services; and

10 “(2) the treatment limitations applicable to
11 such items and services are no more restrictive than
12 the predominant treatment limitations applied to
13 substantially all medical and surgical benefits cov-
14 ered by the plan or coverage and there are no sepa-
15 rate treatment limitations that are applicable only
16 with respect to such services.

17 “(c) DEFINITIONS.—In this section, the terms ‘finan-
18 cial requirement’, ‘predominant’, and ‘treatment limita-
19 tion’ have the meaning given such terms in clauses (i)
20 through (iii), respectively, of section 712(a)(3)(B), except
21 that the term ‘financial requirement’ shall include aggre-
22 gate lifetime limits and annual limits.”.

23 (B) CLERICAL AMENDMENT.—The table of
24 contents in section 1 of the Employee Retire-
25 ment Income Security Act of 1974 (29 U.S.C.

1 1001 note) is amended by inserting after the
2 item relating to section 726 the following new
3 item:

“Sec. 727. Required coverage of crisis response services.”.

4 (3) IRC.—

5 (A) IN GENERAL.—Subchapter B of chap-
6 ter 100 of the Internal Revenue Code of 1986
7 is amended by adding at the end the following
8 new section:

9 **“SEC. 9827. REQUIRED COVERAGE OF CRISIS RESPONSE**
10 **SERVICES.**

11 “(a) IN GENERAL.—A group health plan shall pro-
12 vide benefits under such plan for crisis response services
13 (as defined in section 1861(ooo) of the Social Security
14 Act).

15 “(b) APPLICATION OF FINANCIAL REQUIREMENTS
16 AND TREATMENT LIMITATIONS.—A group health plan
17 shall ensure that, with respect to services for which bene-
18 fits are required to be provided under such plan under
19 subsection (a)—

20 “(1) the financial requirements applicable to
21 such services are no more restrictive than the pre-
22 dominant financial requirements applied to substan-
23 tially all medical and surgical benefits covered by the
24 plan and there are no separate cost-sharing require-

1 ments that are applicable only with respect to such
2 services; and

3 “(2) the treatment limitations applicable to
4 such items and services are no more restrictive than
5 the predominant treatment limitations applied to
6 substantially all medical and surgical benefits cov-
7 ered by the plan and there are no separate treat-
8 ment limitations that are applicable only with re-
9 spect to such services.

10 “(c) DEFINITIONS.—In this section, the terms ‘finan-
11 cial requirement’, ‘predominant’, and ‘treatment limita-
12 tion’ have the meaning given such terms in clauses (i)
13 through (iii), respectively, of section 9812(a)(3)(B), except
14 that the term ‘financial requirement’ shall include aggre-
15 gate lifetime limits and annual limits.”.

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

 “Sec. 9827. Required coverage of crisis response services.”.

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

24 (d) TRICARE COVERAGE.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall provide coverage under the TRICARE program
3 for crisis response services, as defined in section
4 1861(ooo) of the Social Security Act (42 U.S.C.
5 1395x).

6 (2) TRICARE PROGRAM DEFINED.—In this sec-
7 tion, the term “TRICARE program” has the mean-
8 ing given the term in section 1072 of title 10,
9 United States Code.

10 (e) REIMBURSEMENT FOR CRISIS RESPONSE SERV-
11 ICES FOR VETERANS.—Section 1725(f)(1) of title 38,
12 United States Code, is amended, in the matter preceding
13 subparagraph (A), by inserting “, including crisis response
14 services (as defined in subsection (ooo) of section 1861
15 of the Social Security Act (42 U.S.C. 1395x)),” after
16 “services”.

17 (f) COVERAGE UNDER FEHB.—

18 (1) IN GENERAL.—Section 8902 of title 5,
19 United States Code, is amended by adding at the
20 end the following:

21 “(p) Each contract for a plan under this chapter shall
22 require the carrier to provide coverage for crisis response
23 services, as that term is defined in subsection (ooo) of sec-
24 tion 1861 of the Social Security Act (42 U.S.C. 1395x).”.

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

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

10 (1) in subparagraph (A), by striking “and” at
11 the end;

12 (2) in subparagraph (B), by striking the period
13 and inserting “; and”; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(C) beginning on the date that is 3 years
17 after the date of the enactment of this subpara-
18 graph, crisis response services (as defined in
19 section 1861(ooo)).”.