

118TH CONGRESS
1ST SESSION

S. _____

To authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. CAPITO (for herself and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration, to award grants to implement innovative approaches to securing prompt access to appropriate follow-on care for individuals who experience an acute mental health episode and present for care in an emergency department, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improving Mental
3 Health Access from the Emergency Department Act of
4 2023”.

5 **SEC. 2. SECURING APPROPRIATE FOLLOW-ON CARE FOR**
6 **ACUTE MENTAL HEALTH ILLNESS AFTER AN**
7 **EMERGENCY DEPARTMENT ENCOUNTER.**

8 The Public Health Service Act is amended by insert-
9 ing after section 520J of such Act (42 U.S.C. 290bb–41)
10 the following new section:

11 **“SEC. 520J-1. SECURING APPROPRIATE FOLLOW-ON CARE**
12 **FOR ACUTE MENTAL HEALTH ILLNESS AFTER**
13 **AN EMERGENCY DEPARTMENT ENCOUNTER.**

14 “(a) IN GENERAL.—The Secretary may award grants
15 on a competitive basis to qualifying health providers to
16 implement innovative approaches to securing prompt ac-
17 cess to appropriate follow-on care for individuals who ex-
18 perience an acute mental health episode and present for
19 care in an emergency department.

20 “(b) ELIGIBLE GRANT RECIPIENTS.—In this section,
21 the term ‘qualifying health provider’ means a health care
22 facility licensed under applicable law that—

23 “(1) has an emergency department;

24 “(2) is staffed by medical personnel (such as
25 emergency physicians, psychiatrists, psychiatric reg-
26 istered nurses, mental health technicians, clinical so-

1 cial workers, psychologists, and therapists) capable
2 of providing treatment focused on stabilizing acute
3 mental health conditions and assisting patients to
4 access resources to continue treatment in the least
5 restrictive appropriate setting; and

6 “(3) has arrangements in place with other pro-
7 viders of care that can provide a full range of medi-
8 cally-appropriate, evidence-based services for the
9 treatment of acute mental health episodes.

10 “(c) USE OF FUNDS.—A qualifying health provider
11 receiving funds under this section shall use such funds to
12 establish, support, or expand programs or projects in-
13 tended to assist individuals who are treated at the pro-
14 vider’s emergency department for acute mental health epi-
15 sodes and to expeditiously transition such individuals to
16 an appropriate facility or setting for follow-on care. Such
17 use of funds may support the following:

18 “(1) Expediting placement in appropriate facili-
19 ties through activities such as expanded coordination
20 with regional service providers, assessment, peer
21 navigators, bed availability tracking and manage-
22 ment, transfer protocol development, networking in-
23 frastructure development, and transportation serv-
24 ices.

1 “(2) Increasing the supply of inpatient psy-
2 chiatric beds and alternative care settings such as
3 regional emergency psychiatric facilities.

4 “(3) Use of alternative approaches to providing
5 psychiatric care in the emergency department set-
6 ting, including through tele-psychiatric support and
7 other remote psychiatric consultation, implementa-
8 tion of peak period crisis clinics, or creation of psy-
9 chiatric emergency service units.

10 “(4) Use of approaches that include proactive
11 followup such as telephone check-ins, telemedicine,
12 or other technology-based outreach to individuals
13 during the period of transition.

14 “(5) Such other activities as the Secretary de-
15 termines appropriate, consistent with subsection (a).

16 “(d) APPLICATION.—A qualifying health provider de-
17 siring a grant under this section shall submit an applica-
18 tion to the Secretary at such time and in such manner
19 as the Secretary may require. At a minimum, the applica-
20 tion shall include the following:

21 “(1) A description of identified need for acute
22 mental health services in the provider’s service area.

23 “(2) A description of the existing efforts of the
24 provider to meet the need for acute mental health

1 services in the service area, and identified gaps in
2 the provision of such services.

3 “(3) A description of the proposed use of funds
4 to meet the need and gaps identified pursuant to
5 paragraph (2).

6 “(4) A description of how the provider will co-
7 ordinate efforts with Federal, State, local, and pri-
8 vate entities within the service area.

9 “(5) A description of program objectives, how
10 the objectives are proposed to be met, and how the
11 provider will evaluate outcomes relative to objectives.

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
13 carry out this section, there is authorized to be appro-
14 priated \$15,000,000 for each of fiscal years 2024 through
15 2028.”.