

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3413

To amend the Public Health Service Act to establish a program of grants to States and political subdivisions of States for the provision of mental health services in response to public health emergencies, including disasters resulting from terrorism, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2001

Mr. KENNEDY of Rhode Island (for himself and Mrs. ROUKEMA) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To amend the Public Health Service Act to establish a program of grants to States and political subdivisions of States for the provision of mental health services in response to public health emergencies, including disasters resulting from terrorism, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Extended Disaster  
5       Mental Health Services Act of 2001”.

1 **TITLE I—MENTAL HEALTH SERV-**  
2 **ICES PURSUANT TO PUBLIC**  
3 **HEALTH EMERGENCIES**

4 **SEC. 101. GRANTS TO STATES AND POLITICAL SUBDIVI-**  
5 **SIONS FOR MENTAL HEALTH SERVICES AS**  
6 **RESPONSE TO PUBLIC HEALTH EMER-**  
7 **GENCIES.**

8 Subpart 3 of part B of title V of the Public Health  
9 Service Act (42 U.S.C. 290bb–31 et seq.) is amended by  
10 adding at the end the following section:

11 **“SEC. 520K. GRANTS TO STATES AND POLITICAL SUBDIVI-**  
12 **SIONS FOR MENTAL HEALTH SERVICES AS**  
13 **RESPONSE TO PUBLIC HEALTH EMER-**  
14 **GENCIES.**

15 “(a) IN GENERAL.—The Secretary, acting through  
16 the Director of the Center for Mental Health Services,  
17 may make grants to States and political subdivisions of  
18 States for the purpose of providing the mental health serv-  
19 ices described in subsection (b) in response to public  
20 health emergencies, including diseases or disorders that  
21 present such emergencies, natural disasters, major trans-  
22 portation accidents, technological disasters, and disasters  
23 resulting from terrorism.

1       “(b) SERVICES.—The mental health services referred  
2 to in subsection (a) with respect to a public health emer-  
3 gency are the following:

4           “(1) Crisis counseling in the aftermath of such  
5 emergency.

6           “(2) In the case of children, adolescents, and  
7 adults at risk of developing mental health disorders  
8 as a result of such emergency—

9           “(A) outreach and screening programs to  
10 identify such individuals; and

11           “(B) early intervention services, including  
12 counseling.

13           “(3) Mental health services beyond such crisis  
14 counseling (referred to in this section as ‘extended  
15 therapeutic services’) that—

16           “(A) are provided to individuals with diag-  
17 nosed mental health disorders resulting from or  
18 exacerbated by the emergency, including dis-  
19 aster survivors, family members of victims, first  
20 responders, and others with such disorders; and

21           “(B) are provided by mental health profes-  
22 sionals who are licensed or otherwise regulated  
23 by a State agency.

24           “(4) Assessments of the need for extended  
25 therapeutic services.

1           “(5) Casefinding and other outreach services to  
2           inform the public of the availability of crisis coun-  
3           seling and extended therapeutic services.

4           “(c) RELATION TO OTHER SOURCES OF FUNDING.—  
5           A condition for the receipt of a grant under subsection  
6           (a) is that the applicant involved agree as follows:

7           “(1) With respect to activities for which the  
8           grant is authorized to be expended, the applicant  
9           will maintain expenditures of non-Federal amounts  
10          for such activities at a level that is not less than the  
11          level of such expenditures maintained by the appli-  
12          cant for the fiscal year preceding the first fiscal year  
13          for which the applicant receives such a grant.

14          “(2) The grant will not be expended to make  
15          payment for the provision of extended therapeutic  
16          services for an individual to the extent that payment  
17          has been made, or can reasonably be expected to be  
18          made, for the services—

19                  “(A) under a State compensation program,  
20                  under an insurance policy, or under a Federal  
21                  or State health benefits program; or

22                  “(B) by an entity that provides health  
23                  services on a prepaid basis.

24          “(3) The grant will not be expended to make  
25          payment for the provision of mental health services

1 to the extent that such services are available pursu-  
2 ant to responses to the public health emergency in-  
3 volved by the Federal Emergency Management  
4 Agency, or by other Federal or State agencies or  
5 programs that provide for emergency medical serv-  
6 ices.

7 “(d) STATEWIDE MENTAL HEALTH DISASTER  
8 PLAN.—

9 “(1) IN GENERAL.—For fiscal year 2003 or any  
10 subsequent fiscal year, a condition for the receipt of  
11 a grant under subsection (a) by a State or a political  
12 subdivision is that, in accordance with criteria estab-  
13 lished by the Secretary, the State has developed a  
14 statewide plan for the provision of mental health  
15 services in response to public health emergencies.  
16 The preceding sentence applies without regard to  
17 whether the State receives a grant under section  
18 520L.

19 “(2) CERTAIN CRITERIA OF SECRETARY.—The  
20 criteria of the Secretary under paragraph (1) shall  
21 include criteria for coordinating the program under  
22 this section with programs of the Federal Emer-  
23 gency Management Agency and with other Federal  
24 or State programs regarding the provision of emer-

1 agency medical services, including mental health serv-  
2 ices.

3 “(e) ADMINISTRATION OF GRANT THROUGH STATE  
4 AND LOCAL MENTAL HEALTH AGENCIES.—A condition  
5 for the receipt of a grant under subsection (a) is that the  
6 applicant involved agree that the grant and activities  
7 under the grant will be administered through the agency  
8 of the State or political subdivision (as the case may be)  
9 that has the principal responsibility for carrying out men-  
10 tal health programs.

11 “(f) CERTAIN REQUIREMENTS.—With respect to an  
12 application that, pursuant to section 501(l), is submitted  
13 to the Secretary for a grant under subsection (a), the Sec-  
14 retary may make the grant only if the application  
15 contains—

16 “(1) a description of the purposes for which the  
17 applicant intends to expend the grant;

18 “(2) an assurance that the activities to be car-  
19 ried out under the grant are consistent with the  
20 State plan referred to in subsection (d)(1), as appli-  
21 cable, together with a description of the manner in  
22 which the grant activities will be coordinated with  
23 the State plan;

24 “(3) an assurance that the applicant will co-  
25 ordinate activities under the grant with other public

1 or private providers of mental health services, to-  
2 gether with a description of the manner in which the  
3 grant activities will be so coordinated; and

4 “(4) in the case of an application from a polit-  
5 ical subdivision, an assurance that the application  
6 was developed in consultation with the State agency  
7 referred to in subsection (e).

8 “(g) DURATION OF GRANT.—The period during  
9 which payments are made to an applicant from a grant  
10 under subsection (a) may not exceed three years. The pro-  
11 vision of such payments are subject to annual approval  
12 by the Secretary of the payments and to the availability  
13 of appropriations for the fiscal year involved to make the  
14 payments. This subsection may not be construed as estab-  
15 lishing a limitation on the number of grants under such  
16 subsection that may be made to an applicant.

17 “(h) TECHNICAL ASSISTANCE.—The Secretary may,  
18 directly or through grants or contracts, provide technical  
19 assistance to grantees under subsection (a) in carrying out  
20 the purpose described in such subsection.

21 “(i) FUNDING.—

22 “(1) AUTHORIZATION OF APPROPRIATIONS.—  
23 For the purpose of carrying out this section, there  
24 are authorized to be appropriated such sums as may

1 be necessary for each of the fiscal years 2002  
2 through 2006.

3 “(2) ALLOCATION.—Of the amounts appro-  
4 priated under paragraph (1) for a fiscal year, the  
5 Secretary may obligate not more than 7 percent for  
6 the administrative expenses of the Secretary in car-  
7 rying out this section.”.

8 **TITLE II—STATEWIDE MENTAL**  
9 **HEALTH DISASTER PLANS**

10 **SEC. 201. GRANTS TO STATES FOR STATEWIDE MENTAL**  
11 **HEALTH DISASTER PLANS.**

12 Subpart 3 of part B of title V of the Public Health  
13 Service Act, as amended by section 101 of this Act, is  
14 amended by adding at the end the following section:

15 **“SEC. 520L. GRANTS TO STATES FOR STATEWIDE MENTAL**  
16 **HEALTH DISASTER PLANS.**

17 “(a) IN GENERAL.—The Secretary, acting through  
18 the Director of the Center for Mental Health Services,  
19 may make grants to States for the purpose of—

20 “(1) developing, and periodically reviewing and  
21 as appropriate revising, statewide plans for pro-  
22 viding mental health services in response to public  
23 health emergencies (including emergencies referred  
24 to section 520K(a));

1           “(2) training personnel to implement such plan  
2           effectively; and

3           “(3) carrying out other activities determined  
4           appropriate by the Secretary to prepare for the pro-  
5           vision of mental health services in response to such  
6           emergencies.

7           “(b) CERTAIN REQUIREMENTS.—A condition for the  
8           receipt of a grant under subsection (a) is that the State  
9           involved agree that the statewide plan under such sub-  
10          section will with respect to public health emergencies in-  
11          clude provisions for each of the following:

12           “(1) Providing the mental health services de-  
13          scribed in section 520K (relating to crisis coun-  
14          seling, outreach and screening programs, early inter-  
15          vention services, extended therapeutic services, needs  
16          assessments, and casefinding and other outreach  
17          services), taking into account the need for increased  
18          capacity to provide services pursuant to such emer-  
19          gencies.

20           “(2) As necessary, carrying out paragraph (1)  
21          with respect to special populations such as children,  
22          the elderly, individuals with disabilities, and individ-  
23          uals with pre-existing mental health disorders.

24           “(3) Coordinating the provision of mental  
25          health services with appropriate public and private

1 providers of emergency medical services and with  
2 Federal, State, and local programs that provide  
3 funding for such services.

4 “(4) Coordinating with local educational agen-  
5 cies.

6 “(5) Providing information and education to  
7 the public during public health emergencies.

8 “(6) Providing, at times other than public  
9 health emergencies, information and education to  
10 the public regarding the statewide plan.

11 “(7) Designation of the State official who will  
12 have the principal responsibility for administering  
13 such plan, including the initial implementation of  
14 the plan.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—For the  
16 purpose of carrying out this section, there is authorized  
17 to be appropriated \$25,000,000 for each of the fiscal years  
18 2002 through 2006.”.

1 **TITLE III—NATIONAL MENTAL**  
2 **HEALTH CRISIS RESPONSE**  
3 **TECHNICAL ASSISTANCE CEN-**  
4 **TER**

5 **SEC. 301. NATIONAL MENTAL HEALTH CRISIS RESPONSE**  
6 **TECHNICAL ASSISTANCE CENTER.**

7 Subpart 3 of part B of title V of the Public Health  
8 Service Act, as amended by section 201 of this Act, is  
9 amended by adding at the end the following section:

10 **“SEC. 520M. NATIONAL MENTAL HEALTH CRISIS RESPONSE**  
11 **TECHNICAL ASSISTANCE CENTER.**

12 “(a) IN GENERAL.—The Secretary, acting through  
13 the Director of the Center for Mental Health Services,  
14 shall establish within such center an administrative unit  
15 to be known as the National Mental Health Crisis Re-  
16 sponse Technical Assistance Center (referred to in this  
17 section as the ‘Technical Assistance Center’).

18 “(b) DUTIES.—The purpose of the Technical Assist-  
19 ance Center is to carry out, in accordance with policies  
20 of the Director of the Center for Mental Health Services,  
21 the following functions:

22 “(1) Provide consultation and technical assist-  
23 ance to the Director, and to State and local govern-  
24 mental providers of mental health services, on devel-  
25 oping and implementing plans for providing appro-

1        appropriate mental health services in response to public  
2        health emergencies, including statewide plans under  
3        section 520L.

4                “(2) Provide technical expertise on planning,  
5        preparedness, and response evaluation activities.

6                “(3) Develop policy guidelines on mental health  
7        concerns related to crisis incidents and develop rec-  
8        ommendations for proposed regulations and or legis-  
9        lative proposals.

10               “(4) Develop and conduct training events and  
11        conferences on mental health needs of disaster vic-  
12        tims and witnesses.

13               “(5) Serve as the principal clearinghouse oper-  
14        ated by the Secretary for the collection and dissemi-  
15        nation of information concerning the mental health  
16        aspects of public health emergencies, including infor-  
17        mation in published documents, information on tech-  
18        nical assistance resources, and information on rel-  
19        evant Internet sites.

20               “(6) Assist States in preparing for the behav-  
21        ioral health consequences of terrorism.

22               “(7) Provide onsite technical expertise during  
23        public health emergencies, when requested by a  
24        State.

1       “(c) CERTAIN AUTHORITY.—The Technical Assist-  
 2       ance Center may carry out the functions under subsection  
 3       (b) directly or through grant or contract, subject to the  
 4       approval of the Director of the Center for Mental Health  
 5       Services.

6       “(d) AUTHORIZATION OF APPROPRIATIONS.—For the  
 7       purpose of carrying out this section, there is authorized  
 8       to be appropriated \$2,000,000 for each of the fiscal years  
 9       2002 through 2006.”.

## 10       **TITLE IV—TRAINING GRANTS**

### 11       **SEC. 401. TRAINING GRANTS.**

12       Subpart 3 of part B of title V of the Public Health  
 13       Service Act, as amended by section 301 of this Act, is  
 14       amended by adding at the end the following section:

### 15       **“SEC. 520N. TRAINING GRANTS.**

16       “(a) IN GENERAL.—The Secretary, acting through  
 17       the Director of the Center for Mental Health Services,  
 18       shall award grants to eligible entities to enable such enti-  
 19       ties to provide for the training of mental health profes-  
 20       sionals with respect to the treatment of individuals who  
 21       are victims of disasters.

22       “(b) ELIGIBILITY.—To be eligible to receive a grant  
 23       under subsection (a) an entity shall—

24               “(1) be a—

25                       “(A) regional center of excellence; or

1                   “(B) a mental health professional society;  
2                   and

3                   “(2) prepare and submit to the Secretary an  
4                   application at such time, in such manner, and con-  
5                   taining such information as the Secretary may re-  
6                   quire.

7                   “(c) USE OF FUNDS.—An entity that receives a grant  
8                   under this section shall use amounts received under the  
9                   grant to provide for the training of mental health profes-  
10                  sionals to enable such professionals to appropriately diag-  
11                  nose individuals who are the victims of disasters with re-  
12                  spect to their mental health and to provide for the proper  
13                  treatment of the mental health needs of such individuals.

14                  “(d) TRAINING MATERIALS AND PROCEDURES.—The  
15                  Director of the Center for Mental Health Services, in con-  
16                  sultation with the Director of the National Institute of  
17                  Mental Health, the National Center for Post-Traumatic  
18                  Stress Disorder, the International Society for Traumatic  
19                  Stress Studies, and the heads of other similar entities,  
20                  shall develop training materials and procedures to assist  
21                  grantees under this section.

22                  “(e) DEFINITION.—In this section, the term ‘mental  
23                  health professional’ includes psychiatrists, psychologists,  
24                  psychiatric nurses, mental health counselors, marriage and  
25                  family therapists, social workers, pastoral counselors,

1 school psychologists, licensed professional counselors,  
2 school guidance counselors, and any other individual prac-  
3 ticing in a mental health profession that is licensed or reg-  
4 ulated by a State agency.

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this section  
7 such sums as may be necessary for each of fiscal years  
8 2002 through 2005.

9 “(g) PROGRAM MANAGEMENT.—In carrying out this  
10 section, the Secretary may use amounts appropriated  
11 under subsection (f) for the administration of the program  
12 under this section.”.

○