

Bipartisan Safer Communities Act

Section-by-Section

Division A - Authorizations

Title I – Children and Family Mental Health Services

Sec. 11001. Expansion of Community Mental Health Services Demonstration Program.

- This provision expands the existing Medicaid certified community behavioral health clinic (CCBHC) demonstration program nationwide to increase access to community based behavioral health services. Up to 10 new states may opt into the demonstration every two years.

Sec. 11002. Medicaid and Telehealth.

- This provision requires CMS to provide guidance to states on how they can increase access to health care, including mental health services, via telehealth under Medicaid and CHIP.
- Such guidance would, in part, outline strategies related to training and providing resources for providers and patients; include best practices for providing mental health and substance use disorder services via telehealth in schools; include recommendations for measuring telehealth care quality; and include best practices for conveying the availability of telehealth to Medicaid and CHIP enrollees.

Sec. 11003. Supporting Access to Health Care Services in Schools.

- This provision improves access to mental health care in schools by requiring CMS to provide states with critical tools and resources to implement, enhance, and expand school-based health programs under Medicaid.
- CMS would be required to issue guidance to state Medicaid programs outlining how states may receive Medicaid funding for health services provided in school settings. Such guidance would address, in part, best practices for enrolling school health care providers in Medicaid, facilitating payment and reimbursement, utilizing telehealth, and forming partnerships with community-based behavioral health providers.
- The provision would also establish a technical assistance center at CMS and provide \$50 million in planning grants to states to help them take advantage of the flexibilities and best practices identified in this Medicaid guidance.
- Medicaid is the third largest federal funding stream for school districts, providing much needed funding to support school health services, including mental health services. However, key federal guidance on how schools can claim Medicaid funding has not been updated in nearly 20 years, making it extremely challenging for school districts, particularly small and rural high-poverty districts, to access this funding.

Sec. 11004. Review of State Implementation of Early and Periodic Screening, Diagnostic, and Treatment Services.

- This provision requires CMS to regularly review states' implementation of the Medicaid Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit, which guarantees comprehensive health coverage for the nearly 40 million children enrolled in Medicaid today.

- Specifically, CMS must identify gaps and deficiencies with respect to state compliance, provide technical assistance to help address these gaps, and issue guidance outlining best practices for the benefit. The provision also requires the Government Accountability Office (GAO) to examine state implementation of EPSDT and CMS oversight efforts. These federal oversight efforts will support better access to mental health care, including preventive, early intervention, and treatment services, for children.

Sec. 11005. Pediatric Mental Health Care Access program reauthorization.

- Reauthorizes the Pediatric Mental Health Care Access grant program for five years and expands teleconsults into emergency departments and schools.
- Administered by HRSA, the program supports state or regional networks of pediatric mental health care teams through teleconsultation, training, technical assistance, and care coordination for pediatric primary care providers to diagnose, treat, and refer children with mental health conditions.

Title II - Firearms

Subtitle A. Procedures for Firearms Purchases by Individuals Under 21 Years of Age.

- Requires the National Instant Criminal Background Check System (NICS) to conduct an enhanced review of purchasers under the age of 21 to determine whether juvenile records disqualify that individual from purchasing the firearm.
- Provides up to ten business days total for NICS to complete that investigation if there is cause to investigate further whether records are disqualifying after the initial three business day search period.
- Sunsets after ten years.

Subtitle B. Defining "Engaged in the Business".

- Updates the definition of who is considered a dealer of firearms to clarify the law and put high volume sellers on notice that they should obtain an FFL.

Subtitle C. Use of Byrne Grants for Implementation of State Crisis Intervention Programs.

- Adds a new provision of the Byrne JAG program to be used by states for crisis intervention programs, including mental health courts, drug courts, veterans' courts, and extreme risk protection orders that have sufficient due process protections.

Subtitle D. Stop Illegal Trafficking in Firearms Act.

- Prohibits the straw purchasing and trafficking of firearms by criminals.
- Enhances penalties for possession of firearms by prohibited persons.

Subtitle E. Misdemeanor Crime of Domestic Violence.

- Protects domestic violence victims by prohibiting criminals convicted of a misdemeanor crime of domestic violence as part of a current or recent former dating relationship from purchasing or possessing firearms for five years.
- Provides a federal process for a restoration of rights for those individuals if they do not commit any similar crimes during the intervening period.

Title III – Other Matters

Subtitle A. Moratorium on implementation of rule relating to eliminating the anti-kickback statute safe harbor protection for prescription drug rebates.

- This provision provides a one year delay of the Medicare Rebate rule. CBO estimates this delay reduces federal spending by \$20.9 billion.

Subtitle B. Medicare Improvement Fund.

- This provision makes deposits in the Medicare Improvement Fund.

Subtitle C. Evidence-Based Resources for School Safety.

- Codifies the SchoolSafety.gov clearinghouse, which provides resources on evidence-based strategies to keep schools safe.

Subtitle D. Amendment on ESEA Funding

- Prohibits use of funds under the Elementary and Secondary Education Act to train or equip any person with dangerous weapons in schools.

Division B – Appropriations

Title I - Department of Justice

FBI Salaries and Expenses.

- Provides \$100 million in funding to meet additional resource needs of the National Instant Criminal Background Check System.

Crisis Intervention Funding.

- Provides \$750 million over five years in a new pot of funding that will go to states for crisis intervention programs like red flag laws, including mental health courts, drug courts, veterans' courts, and extreme risk protection orders that have sufficient due process protections.

STOP School Violence Act.

- Provides \$300 million over five years in additional funding to the STOP School Violence Act.

National Criminal History Improvement Program (NCHIP).

- Allocates \$200 million over five years for grants and technical assistance to states to improve the quality, timeliness, and immediate accessibility of criminal history records and related information.

Community Violence Intervention Program.

- Appropriates \$250 million over five years in funding for violence intervention and prevention initiatives.

Title II - Department of Health and Human Services

Community Mental Health Services Block Grant.

- Appropriates \$250 million over four years for SAMHSA's Community Mental Health Block Grant program that provides states, DC, and territories with flexible funding to provide comprehensive community mental health services.

Suicide Prevention (9-8-8).

- Appropriates \$150 million in one-time funding to support implementation of the 9-8-8 Suicide and Crisis Lifeline that provides 24/7, free and confidential support to people in suicidal crisis or emotional distress.

Mental Health Awareness Training Grant Program.

- Appropriates \$120 million over four years in SAMHSA to prepare and train community members and first responders on how to appropriately and safely respond to individuals with mental disorders.

Project AWARE.

- Appropriates \$240 million over four years for SAMHSA's Project AWARE that increases awareness of mental health issues among school-aged youth, provides training for school personnel and other adults who interact with school-aged youth to detect and respond to mental health issues, and connects school-aged youth who may have behavioral health issues and their families to needed services.
 - Provides a \$28 million set aside for grants to support trauma care in school settings.

National Child Traumatic Stress Network.

- Appropriates \$40 million over four years to this SAMHSA's National Child Traumatic Stress Network grant program that improves treatment and services for children, adolescents, and families who have experienced traumatic events.

Mental Health Training for Primary Care Providers.

- Appropriates \$60 million over five years for training in mental health for primary care clinicians who treat children and youth through HRSA's Primary Care Training and Enhancement Program.

Pediatric Mental Health Care Access Grant Program.

- Provides \$80 million over four years in HRSA to support pediatric primary care providers to rapidly access mental health specialists' expertise in guiding the treatment of their patients.

Title III - Department of Education

School Improvement Programs.

- Appropriates \$1 billion to states under the ESEA Title IV-A formula for eligible activities under Section 4108 of the Elementary and Secondary Education Act of 1965. States shall make awards on a competitive basis to high-need local educational agencies

21st Century Community Learning Centers.

- Appropriates \$50 million to the bipartisan 21st Century Community Learning Centers program, which supports local afterschool, before school, and summer programs. This bill also includes language targeting funding to programs that assist older youth. Data

show that afterschool programs reduce juvenile interactions with law enforcement, reduce incidence of violence, and increase student achievement.

School-Based Mental Health Services (SBMHS) Grant Program.

- Appropriates \$500 million to the SBMHS Grant Program at the Department of Education, which provides competitive grants to state educational agencies to increase the number of qualified mental health service providers that provide school-based mental health services to students in school districts with demonstrated need.

School-Based Mental Health Service Professionals (SBMHSP) Demonstration Grant.

- Appropriates \$500 million to the SBMHSP Demonstration Grant program at the Department of Education, which provides competitive grants to support and demonstrate innovative partnerships to train school-based mental health service providers for employment in schools.

In addition, technical budgetary provisions are included.