

116TH CONGRESS  
1ST SESSION

# H. R. 4428

To establish a special enrollment period for family members of an individual who has died by suicide, to establish a competitive grant program to provide services and support to friends and family members impacted by an individual's suicide, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2019

Ms. WILD (for herself, Mr. TRONE, and Mr. MOULTON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a special enrollment period for family members of an individual who has died by suicide, to establish a competitive grant program to provide services and support to friends and family members impacted by an individual's suicide, 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 “Greater Mental Health  
5 Access Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) One in five adults in America experience  
4 some form of mental illness, and nearly one in twenty-five adults live with serious mental illness.

6 (2) Access to mental health services is a particularly pervasive problem; 28 million residents of  
7 the United States are uninsured and have no access  
8 to mental health services. Studies show that nearly  
9 60 percent of adults and 50 percent of children with  
10 a mental illness did not receive mental health services in the previous calendar year.

13 (3) The lack of access to mental health services  
14 has, in part, contributed to an increase in the suicide rate in the United States, which is now the  
15 tenth leading cause of death in this country.

17 (4) In 2017, 47,173 Americans died by suicide.

18 (5) In 2017, there were an estimated 1,400,000  
19 suicide attempts in the United States.

20 (6) Suicide by a loved one often results in “suicide contagion”; for surviving family and friends the  
21 risk of attempting suicide increases by 65 percent.

23 (7) Family and friends who lost a loved one to  
24 suicide are 80 percent more likely to drop out of  
25 school or stop working.

1           (8) Access to mental health services is impor-  
 2           tant to mitigate suicide, suicide contagion, and be-  
 3           reavement. Access to care also reduces the financial  
 4           burden for individuals in need of mental health serv-  
 5           ices.

6           (9) The Patient Protection and Affordable Care  
 7           Act has increased access to mental health services,  
 8           but there is still a large population that is uninsured  
 9           or has insufficient coverage to seek mental health  
 10          services.

11          (10) Family and friends who have lost a loved  
 12          one to suicide should not face hurdles when attempt-  
 13          ing to access mental health services. As such, a sui-  
 14          cide or suicide attempt should constitute a “quali-  
 15          fying life event” for any individual who is eligible to  
 16          enroll, but is not enrolled, in a health benefit plan  
 17          under the Patient Protection and Affordable Care  
 18          Act.

19 **SEC. 3. PROVIDING FOR A SPECIAL ENROLLMENT PERIOD**  
 20 **FOR FAMILY MEMBERS OF INDIVIDUALS WHO**  
 21 **HAVE COMMITTED SUICIDE.**

22          (a) PUBLIC HEALTH SERVICE ACT.—Section  
 23 2702(b)(2) of the Public Health Service Act (42 U.S.C.  
 24 300gg–1(b)(2) is amended by inserting “including a spe-  
 25 cial enrollment period for family members of individuals

1 who have died by suicide, allowing them to enroll in, or  
2 change, their health care plan, beginning on the date on  
3 which the suicide is reported to the health insurance  
4 issuer” before the period at the end.

5 (b) PATIENT PROTECTION AND AFFORDABLE CARE  
6 ACT.—Section 1311(c)(6) of the Patient Protection and  
7 Affordable Care Act (42 U.S.C. 18031(c)(6)) is amend-  
8 ed—

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

11 (2) by redesignating subparagraph (D) as sub-  
12 paragraph (E); and

13 (3) by inserting after subparagraph (C) the fol-  
14 lowing new subparagraph:

15 “(D) a special enrollment period for family  
16 members of individuals who have died by sui-  
17 cide, beginning on the date on which the suicide  
18 is reported to the Exchange; and”.

19 (c) SPECIAL ENROLLMENT PERIODS.—Section  
20 9801(f) of the Internal Revenue Code of 1986 (26 U.S.C.  
21 9801(f)) is amended by adding at the end the following  
22 new paragraph:

23 “(4) FOR FAMILY MEMBERS OF INDIVIDUALS  
24 WHO HAVE DIED BY SUICIDE.—

1           “(A) A group health plan shall permit an  
2           employee who is eligible, but not enrolled, for  
3           coverage under the terms of the plan (or a de-  
4           pendent of such an employee if the dependent  
5           is eligible, but not enrolled, for coverage under  
6           such terms) to enroll for coverage under the  
7           terms of the plan upon the suicide of a family  
8           member, with the special enrollment period be-  
9           ginning on the date on which the suicide is re-  
10          ported to the group health plan.

11           “(B) The Secretary shall promulgate regu-  
12          lations with respect to the special enrollment  
13          period under subparagraph (A), including es-  
14          tablishing a time period for family members of  
15          an individual who has died by suicide to enroll  
16          in coverage or change coverage, and effective  
17          date of such coverage.”.

18          (d) FEDERAL EMPLOYEES’ HEALTH BENEFITS PRO-  
19          GRAM.—The requirements imposed by the amendments  
20          made by subsections (a), (b), and (c) of this section shall  
21          apply to any plan provided under the Federal Employees’  
22          Health Benefits Program (chapter 89 of title 5, United  
23          States Code).

1 (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to plan years begin-  
3 ning after the date of enactment.

4 **SEC. 4. OUTPATIENT MENTAL HEALTH SERVICES.**

5 Subpart 3 of part B of title V of the Public Health  
6 Service Act is amended by inserting after section 520E–  
7 4 (42 U.S.C. 290bb–36d) the following new section:

8 **“SEC. 520E–5 OUTPATIENT MENTAL HEALTH SERVICES.**

9 “(a) IN GENERAL.—The Secretary, acting through  
10 the Assistant Secretary for Mental Health and Substance  
11 Use, shall award grants to medical providers, hospitals,  
12 clinics, not-for-profit organizations, and religious organi-  
13 zations, to provide outpatient mental health services for  
14 individuals impacted by the attempted or completed sui-  
15 cide of a friend or family member.

16 “(b) TRANSFER OF FUNDS.—Of the unobligated bal-  
17 ance of the amount appropriated under section 4002 of  
18 the Patient Protection and Affordable Care Act, the Sec-  
19 retary shall transfer \$6,000,000 to carry out this section.

20 “(c) REPORT.—Not later than 2 years after the date  
21 of enactment, the Secretary shall submit a report to Con-  
22 gress on the implementation of this section.

23 “(d) OUTPATIENT MENTAL HEALTH SERVICES.—In  
24 this section, the term ‘outpatient mental health services’  
25 includes each of the following services:

- 1 “(1) Short-term counseling.
- 2 “(2) Referral services.
- 3 “(3) Follow-up services.”.

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