

Expansion of the CCBHC Demonstration under the Bipartisan Safer Communities Act of 2022

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Overview

On June 25, 2022, President Biden signed the Bipartisan Safer Communities Act of 2022¹ (BSCA) into law. Among the provisions centered on strengthening gun control regulations and reducing gun violence, the law enacts several significant investments to promote access to community- and school-based behavioral health services. Of particular significance, Section 11001 of the law authorizes the Centers for Medicare & Medicaid Services (CMS) to extend and expand the Certified Community Behavioral Health Clinic (CCBHC) Demonstration originally authorized by Section 223 of the Protecting Access to Medicare Act of 2014² (PAMA). Added to the unique opportunity the CCBHC model offers to states to transform their behavioral health delivery systems, the CCBHC Demonstration also affords a significant financial incentive through an enhanced federal match³. The following sections of this brief summarize the major components of this new CCBHC opportunity followed by a discussion of state considerations and ways Mercer can provide support in transforming behavioral health delivery systems.

Key CCBHC Provisions of the BCSA

- **CCBHC Demonstration Extension:** the law extends the demonstration end date for states and CCBHC sites currently participating in the original CMS CCBHC Demonstration from September 30, 2023 to September 30, 2025.
- **CCBHC Demonstration Expansion:** the law expands the demonstration by allowing CMS to select up to ten states to start the demonstration on July 1, 2024 and an additional ten states every two years thereafter. Key components of the expansion include:



Requires the Secretary (of Health and Human Services) to award new planning grants to states "as soon as practicable after the date of (the law's) enactment" to support the development of a demonstration application (released October 2022).



States receiving planning grants under this law or under Section 223 of PAMA are eligible to participate in the demonstration expansion.



States selected for the demonstration expansion would qualify for 16 fiscal quarters of enhanced federal financial participation from the demonstration start date.

Consideration for States



The new state planning grant [Notice of Funding Opportunity](#) (NOFO) and further information from the federal government was released October 2022. With this release, there are several strategic planning items for states to consider, such as:

- Reviewing the CCBHC model and federal CCBHC Demonstration requirements
- Analyzing the impact of the enhanced FMAP on state budgets for CCBHC programming
- Understanding the differences between the CCBHC Demonstration and the use of other Medicaid authorities
- Understanding the state's role in developing and implementing a CCBHC program
- Evaluating how the CCBHC demonstration fits into the state's long-term behavioral health delivery system
- Identifying a CCBHC planning grant and implementation team
- Communicating and obtaining feedback from stakeholders

Potential Mercer Government Support



Mercer Government has provided critical policy, operational, and financial CCBHC support and technical assistance to states since 2014. With technical experts and consultants that led state CCBHC programs, we are ready to support states at all stages of CCBHC implementation including, but not limited to:

- Strategic planning, technical assistance, and drafting support for the state planning grant NOFO
- Developing clinic-based PPS rates, including cost report training, education, and support
- Incorporating CCBHC rates into risk-based capitation payments for managed care
- Performing fiscal analysis and budget projections, including potential state savings
- Assisting in the development and evaluation of Quality Bonus Payments
- Drafting or helping to develop requisite state Medicaid policy for CCBHC operations
- Identifying and analyzing MMIS enhancements to support operations
- Developing the CCBHC service array and required service codes
- Defining CCBHC eligibility and assignment policies/procedures
- Creating a statewide or regional needs assessment to ensure delivery system transformation aligns with department goals and objectives
- Developing managed care requirements and related contract language
- Assisting in the creation of the state-based CCBHC certification
- Reviewing and evaluating CCBHC certification applications
- Helping facilitate provider education and communication
- Developing or supporting state CCBHC program oversight, including standard reporting, dashboards, key performance indicators, and evaluating quality metrics
- Developing strategies for states seeking to benefit from the demonstration in cases where state plan authority for CCBHC coverage already exists
- Drafting requisite CMS authorities to sustain/expand CCBHC services beyond the demonstration

¹ United States Public Law (2022). Public Law 117-159, 117th Congress – Bipartisan Safer Communities Act. Retrieved from: <https://www.congress.gov/117/plaws/publ159/PLAW-117publ159.pdf>

² United States Public Law (2014). Public Law 113-93, 113th Congress – Protecting Access to Medicare Act. Retrieved from: <https://www.congress.gov/113/statute/STATUTE-128/STATUTE-128-Pg1040.pdf>

³ US Centers for Medicare & Medicaid Services (2022). Section 223 Demonstration Program to Improve Community Mental Health Services. Retrieved from: <https://www.medicare.gov/medicaid/financial-management/section-223-demonstration-program-improve-community-mental-health-services/index.html>

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