

118TH CONGRESS
1ST SESSION

H. R. 1638

To amend title XVIII of the Social Security Act to improve access to mental health services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2023

Ms. LEE of California (for herself, Mr. FITZPATRICK, Mr. POCAN, Ms. BLUNT ROCHESTER, Ms. TOKUDA, Mr. TRONE, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. LYNCH, Mr. COHEN, Mr. GARCÍA of Illinois, Mr. SMITH of Washington, Mrs. WATSON COLEMAN, Ms. SCANLON, Ms. KUSTER, Mr. CARTER of Louisiana, Ms. PORTER, Mr. TONKO, and Mr. GRJALVA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

A BILL

To amend title XVIII of the Social Security Act to improve access to mental health services under the Medicare program.

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 “Improving Access to
5 Mental Health Act of 2023”.

1 **SEC. 2. IMPROVED ACCESS TO MENTAL HEALTH SERVICES**
2 **UNDER THE MEDICARE PROGRAM.**

3 (a) ACCESS TO CLINICAL SOCIAL WORKERS.—Sec-
4 tion 1833(a)(1)(F)(ii) of the Social Security Act (42
5 U.S.C. 1395l(a)(1)(F)(ii)) is amended by striking “75
6 percent of the amount determined for payment of a psy-
7 chologist under clause (L)” and inserting “85 percent of
8 the fee schedule amount provided under section 1848”.

9 (b) ACCESS TO CLINICAL SOCIAL WORKER SERVICES
10 PROVIDED TO RESIDENTS OF SKILLED NURSING FACILI-
11 TIES.—

12 (1) EXCLUSION OF CLINICAL SOCIAL WORKER
13 SERVICES FROM THE SKILLED NURSING FACILITY
14 PROSPECTIVE PAYMENT SYSTEM.—Section
15 1888(e)(2)(A)(ii) of the Social Security Act (42
16 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting
17 “clinical social worker services,” after “qualified psy-
18 chologist services,”.

19 (2) CONFORMING AMENDMENT.—Section
20 1861(hh)(2) of the Social Security Act (42 U.S.C.
21 1395x(hh)(2)) is amended by striking “and other
22 than services furnished to an inpatient of a skilled
23 nursing facility which the facility is required to pro-
24 vide as a requirement for participation”.

25 (c) ACCESS TO THE COMPLETE SET OF CLINICAL SO-
26 CIAL WORKER SERVICES.—Section 1861(hh)(2) of the So-

1 cial Security Act (42 U.S.C. 1395x(hh)(2)), as amended
2 by subsection (b)(2), is amended—

3 (1) by striking “for the diagnosis and treatment
4 of mental illnesses (other than services” and insert-
5 ing “, including services for the diagnosis and treat-
6 ment of mental illnesses or services for health and
7 behavior assessment and intervention (identified as
8 of January 1, 2023, by HCPCS codes 96156,
9 96158–96161, 96164–96168, and 96170–96171
10 (and any succeeding codes)) but not including serv-
11 ices”; and

12 (2) by striking “inpatient of a hospital)” and
13 inserting “inpatient of a hospital,”.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to items and services furnished on
16 or after January 1, 2024.

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