

111TH CONGRESS
2^D SESSION

H. R. 5025

To amend the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2010

Mr. KENNEDY 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 the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, 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 “HITECH Extension
5 for Behavioral Health Services Act of 2010”.

1 **SEC. 2. EXTENSION OF HEALTH INFORMATION TECH-**
2 **NOLOGY ASSISTANCE FOR BEHAVIORAL AND**
3 **MENTAL HEALTH AND SUBSTANCE ABUSE.**

4 Section 3000(3) of the Public Health Service Act (42
5 U.S.C. 300jj(3)) is amended by inserting before “and any
6 other category” the following: “behavioral and mental
7 health professionals (as defined in section
8 331(a)(3)(E)(i)), a substance abuse professional, a psy-
9 chiatric hospital (as defined in section 1861(f) of the So-
10 cial Security Act (42 U.S.C. 1395x(f))), a behavioral and
11 mental health clinic, a substance abuse treatment facil-
12 ity.”.

13 **SEC. 3. BEHAVIORAL HEALTH INFORMATION TECHNOLOGY**
14 **GRANT PROGRAM.**

15 Title XXX of the Public Health Service Act (42
16 U.S.C. 300jj et seq.) is amended by adding at the end
17 the following new section:

18 **“SEC. 3019. BEHAVIORAL HEALTH INFORMATION TECH-**
19 **NOLOGY GRANT PROGRAM.**

20 “(a) IN GENERAL.—The Secretary, acting through
21 the National Coordinator, shall award grants to eligible
22 entities for the purpose of conducting activities described
23 in subsection (b).

24 “(b) USE OF FUNDS.—A grant awarded under sub-
25 section (a) may be used by an eligible entity to—

1 “(1) facilitate the purchase of health informa-
2 tion technology;

3 “(2) enhance the use of health information
4 technology, including covering costs associated with
5 upgrading health information technology in order to
6 meet the criteria required to become a certified
7 EHR technology;

8 “(3) train personnel in the use of health infor-
9 mation technology;

10 “(4) improve the secure electronic exchange of
11 health information among behavioral and mental
12 health professionals, substance abuse professionals,
13 and other health care providers, including those pro-
14 viding primary care services;

15 “(5) improve health information technology for
16 adaptation to community-based behavioral health set-
17 tings;

18 “(6) assist with the implementation of telemedi-
19 cine, including facilitation of distance clinical con-
20 sultations in rural and underserved areas; and

21 “(7) collaborate and integrate with health infor-
22 mation technology regional extension centers (as de-
23 scribed in section 3012(c)).

24 “(c) ELIGIBLE ENTITY.—For the purposes of this
25 section, the term ‘eligible entity’ means a mental health

1 treatment facility, substance abuse treatment facility, or
2 psychiatric hospital (as defined in section 1861(f) of the
3 Social Security Act (42 U.S.C. 1395x(f))—

4 “(1) that is not otherwise receiving payment
5 under section 1886(n) of the Social Security Act (42
6 U.S.C. 1395ww(n)) or section 1903(t) of the Social
7 Security Act (42 U.S.C. 1396b(t));

8 “(2) at which no services are furnished by an
9 eligible professional who is receiving payment under
10 section 1848(o) of the Social Security Act (42
11 U.S.C. 1395w-4(o)); and

12 “(3) that provides assurances to the satisfaction
13 of the Secretary that such facility will use such
14 funds to satisfy the requirements to be treated as a
15 meaningful EHR user, as defined in section
16 1886(n)(3) of the Social Security Act (42 U.S.C.
17 1395ww(n)(3)), or to become eligible for a payment
18 under section 1903(t) of the Social Security Act (42
19 U.S.C. 1396b(t)).

20 “(d) STANDARDS FOR ACQUISITION OF HEALTH IN-
21 FORMATION TECHNOLOGY.—To the greatest extent prac-
22 ticable, the Secretary shall ensure that where funds are
23 expended under this section for the acquisition of health
24 information technology, such funds shall be used to ac-
25 quire health information technology that meets applicable

1 standards adopted under section 3004. Where it is not
2 practicable to expend funds on health information tech-
3 nology that meets such applicable standards, the Secretary
4 shall ensure that such health information technology
5 meets applicable standards otherwise adopted by the Sec-
6 retary.

7 “(e) REPORT.—Not later than 2 years after the date
8 of the enactment of this section, the National Coordinator
9 shall submit to Congress a report containing such infor-
10 mation as the Secretary may require.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—For the
12 purposes of carrying out subsection (a), there is author-
13 ized to be appropriated \$15,000,000 for fiscal year
14 2011.”.

15 **SEC. 4. EXTENSION OF ELIGIBILITY FOR MEDICARE AND**
16 **MEDICAID HEALTH INFORMATION TECH-**
17 **NOLOGY IMPLEMENTATION ASSISTANCE.**

18 (a) PAYMENT INCENTIVES FOR ELIGIBLE PROFES-
19 SIONALS UNDER MEDICARE.—Section 1848 of the Social
20 Security Act (42 U.S.C. 1395w-4) is amended—

21 (1) by amending clause (iii) of subsection
22 (a)(7)(E) to read as follows:

23 “(iii) ELIGIBLE PROFESSIONAL.—The
24 term ‘eligible professional’ means any of
25 the following:

1 “(I) A physician (as defined in
2 section 1861(r)).

3 “(II) A clinical psychologist pro-
4 viding qualified psychologist services
5 (as defined in section 1861(ii)).

6 “(III) A clinical social worker (as
7 defined in section 1861(hh)(1)).”; and

8 (2) by amending subparagraph (C) of sub-
9 section (o)(5) to read as follows:

10 “(C) ELIGIBLE PROFESSIONAL.—The term
11 ‘eligible professional’ means any of the fol-
12 lowing:

13 “(i) A physician (as defined in section
14 1861(r)).

15 “(ii) A clinical psychologist providing
16 qualified psychologist services (as defined
17 in section 1861(ii)).

18 “(iii) A clinical social worker (as de-
19 fined in section 1861(hh)(1)).”.

20 (b) ELIGIBLE HOSPITALS.—Section 1886(n)(6)(B)
21 of the Social Security Act (42 U.S.C. 1395ww(n)(6)(B))
22 is amended by inserting before the period the following:
23 “or an inpatient hospital that is a psychiatric hospital (as
24 defined in section 1861(f))”.

1 (c) MEDICAID PROVIDERS.—Section 1903(t) of the
2 Social Security Act (42 U.S.C. 1396b(t)) is amended as
3 follows:

4 (1) Paragraph (2)(B) is amended—

5 (A) in clause (i), by striking “, or” and in-
6 serting a semicolon;

7 (B) in clause (ii), by striking the period
8 and inserting a semicolon; and

9 (C) by adding after clause (ii) the following
10 new clauses:

11 “(iii) a public hospital that is prin-
12 cipally a psychiatric hospital (as defined in
13 section 1861(f));

14 “(iv) a private hospital that is prin-
15 cipally a psychiatric hospital (as defined in
16 section 1861(f)) and that has at least 10
17 percent of its patient volume (as estimated
18 in accordance with a methodology estab-
19 lished by the Secretary) attributable to in-
20 dividuals receiving medical assistance
21 under this title;

22 “(v) a mental health treatment facility
23 that has at least 10 percent of its patient
24 volume (as estimated in accordance with a
25 methodology established by the Secretary)

1 attributable to individuals receiving med-
2 ical assistance under this title; or

3 “(vi) a substance abuse treatment fa-
4 cility that has at least 10 percent of its pa-
5 tient volume (as estimated in accordance
6 with a methodology established by the Sec-
7 retary) attributable to individuals receiving
8 medical assistance under this title.”.

9 (2) Paragraph (3)(B) is amended—

10 (A) in clause (iv), by striking “and” after
11 the semicolon;

12 (B) in clause (v), by striking the period
13 and inserting a semicolon; and

14 (C) by adding at the end the following new
15 clauses:

16 “(vi) clinical psychologist providing
17 qualified psychologist services (as defined
18 in section 1861(ii)), if such clinical psy-
19 chologist is practicing in an outpatient
20 clinic that—

21 “(I) is led by a clinical psycholo-
22 gist; and

23 “(II) is not otherwise receiving
24 payment under paragraph (1) as a

1 Medicaid provider described in para-
2 graph (2)(B); and

3 “(vii) clinical social worker (as defined
4 in section 1861(hh)(1)), if such clinical so-
5 cial worker is practicing in an outpatient
6 clinic that—

7 “(I) is led by a clinical social
8 worker; and

9 “(II) is not otherwise receiving
10 payment under paragraph (1) as a
11 Medicaid provider described in para-
12 graph (2)(B).”.

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