

117TH CONGRESS
2D SESSION

H. R. 9577

To amend title XVIII of the Social Security Act to expand access to psychological and behavioral services.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2022

Ms. CHU (for herself, Ms. SCHAKOWSKY, Mr. SMITH of Missouri, and Mr. MULLIN) 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 expand access to psychological and behavioral services.

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 “Increasing Mental
5 Health Options Act of 2022”.

1 **SEC. 2. EXPANDING ELIGIBILITY FOR INCENTIVES TO**
2 **PRACTICE IN RURAL AND UNDERSERVED**
3 **AREAS.**

4 Section 1833(m) of the Social Security Act (42
5 U.S.C. 1395l(m)) is amended—

6 (1) in paragraph (1)—

7 (A) by inserting “(A)” before “In the
8 case”; and

9 (B) by adding at the end the following new
10 subparagraph:

11 “(B) In the case of services furnished by a clinical
12 psychologist (as defined by the Secretary for purposes of
13 section 1861(ii)) in a year to an individual, who is covered
14 under the insurance program established by this part and
15 who incurs expenses for such services, in an area that is
16 designated (under section 332(a)(1)(A) of the Public
17 Health Service Act) as a health professional shortage area
18 as identified by the Secretary prior to the beginning of
19 such year, in addition to the amount otherwise paid under
20 this part, there also shall be paid to the clinical psycholo-
21 gist (or to an employer or facility in the cases described
22 in clause (A) of section 1842(b)(6)) (on a monthly or
23 quarterly basis) from the Federal Supplementary Medical
24 Insurance Trust Fund an amount equal to 10 percent of
25 the payment amount for the service under this part.”; and

1 (2) in paragraph (2), by inserting “or clinical
2 psychologist” after “physician”.

3 **SEC. 3. ELIMINATING UNNECESSARY OVERSIGHT AND AP-**
4 **PROVAL REQUIREMENTS FOR BEHAVIORAL**
5 **HEALTH SERVICES PROVIDED BY CLINICAL**
6 **PSYCHOLOGISTS.**

7 (a) **COMPREHENSIVE OUTPATIENT REHABILITATION**
8 **FACILITIES.**—Section 1835(a)(2)(E)(iii) of the Social Se-
9 curity Act (42 U.S.C. 1395n(a)(2)(E)(iii)) is amended by
10 inserting “, except that an individual receiving qualified
11 psychologist services as described in section 1861(ii) may
12 be under the care of a clinical psychologist with respect
13 to such services to the extent authorized under State law”
14 before the semicolon.

15 (b) **SKILLED NURSING FACILITIES.**—Section
16 1819(b) of such Act (42 U.S.C. 1395i–3(b)) is amended—

17 (1) in paragraph (5)(G), by inserting “clinical
18 psychologist,” after “nurse practitioner,”; and

19 (2) in paragraph (6)(A), by inserting “, except
20 that a resident receiving qualified psychologist serv-
21 ices as described in section 1861(ii) may be under
22 the supervision of a clinical psychologist with respect
23 to such services to the extent authorized under State
24 law” before the semicolon.

25 (c) **PARTIAL HOSPITALIZATION SERVICES.**—

1 (1) Section 1835(a)(2)(F)(iii) of the Social Se-
2 curity Act (42 U.S.C. 1395n(a)(2)(F)(iii)) is amend-
3 ed by inserting “, except that an individual receiving
4 qualified psychologist services as described in section
5 1861(ii) may be under the care of a clinical psychol-
6 ogist with respect to such services to the extent au-
7 thorized under State law” before the period.

8 (2) Section 1861(ff)(1) of such Act (42 U.S.C.
9 1395x(ff)(1)) is amended by inserting “(or, in the
10 case of qualified psychologist services, under the su-
11 pervision of a clinical psychologist to the extent au-
12 thorized under State law)” after “under the super-
13 vision of a physician”.

14 (d) HOME HEALTH SERVICES.—

15 (1) Section 1861(m) of such Act (42 U.S.C.
16 1395x(m)) is amended—

17 (A) in paragraph (6), by striking “and” at
18 the end;

19 (B) in paragraph (7), by inserting “and”
20 after the semicolon; and

21 (C) by inserting after paragraph (7) the
22 following new paragraph:

23 “(8) an individual receiving qualified psycholo-
24 gist services may be under the care of a clinical psy-

1 chologist with respect to such services to the extent
2 authorized under State law.”.

3 (2) Section 1891(a)(3)(F) of such Act (42
4 U.S.C. 1395bbb(a)(3)(F)) is amended by inserting
5 “clinical psychologist,” after “physician,”.

6 (e) INPATIENT PSYCHIATRIC HOSPITAL SERVICES.—
7 Section 1814(a)(2)(A) of such Act (42 U.S.C.
8 1395f(a)(2)(A)) is amended by inserting “(or, in the case
9 of qualified psychologist services, under the supervision of
10 a clinical psychologist to the extent authorized under State
11 law)” after “under the supervision of a physician”.

12 (f) RULE OF CONSTRUCTION.—In accordance with
13 section 410.71(e) of title 42, Code of Federal Regulations
14 (or any successor regulation), nothing in the provisions of,
15 and amendments made by, this section shall be construed
16 as changing or eliminating existing requirements regard-
17 ing clinical consultation by clinical psychologists with a
18 beneficiary’s physician, in accordance with accepted pro-
19 fessional ethical norms and taking into consideration pa-
20 tient confidentiality.

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