

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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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