

116TH CONGRESS  
1ST SESSION

# S. 2412

To amend title XVIII of the Social Security Act to provide coverage of addiction counselor services under part B of the Medicare program.

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IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2019

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide coverage of addiction counselor services under part B of 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 “Addiction Treatment  
5 Access Act”.

6 **SEC. 2. COVERAGE OF ADDICTION COUNSELOR SERVICES**

7 **UNDER PART B OF THE MEDICARE PROGRAM.**

8 (a) COVERAGE OF SERVICES.—

1           (1) IN GENERAL.—Section 1861(s)(2) of the  
2       Social Security Act (42 U.S.C. 1395x(s)(2)) is  
3       amended—

4           (A) in subparagraph (GG), by striking  
5       “and” at the end;

6           (B) in subparagraph (HH), by striking the  
7       period at the end and inserting “; and”; and

8           (C) by adding at the end the following new  
9       subparagraph:

10          “(II) addiction counselor services (as defined in  
11       subsection (kkk)(1));”.

12          (2) DEFINITIONS.—Section 1861 of the Social  
13       Security Act (42 U.S.C. 1395x) is amended by add-  
14       ing at the end the following new subsection:

15        “Addiction Counselor Services; Addiction Counselor  
16        “(kkk)(1) The term ‘addiction counselor services’  
17        means services performed by an addiction counselor (as  
18        defined in paragraph (2)) for the diagnosis and treatment  
19        of substance abuse and addiction that the addiction coun-  
20        selor is legally authorized to perform under State law (or  
21        the State regulatory mechanism provided by the State  
22        law) of the State in which such services are performed,  
23        as would otherwise be covered if furnished by a physician  
24        or as incident to a physician’s professional service, which  
25        may include—

1           “(A) addiction assessment;  
2           “(B) addiction counseling;  
3           “(C) crisis management;  
4           “(D) drug therapy;  
5           “(E) treatment planning; and  
6           “(F) treatment of co-occurring disorders,  
7 but only if no facility or other provider charges or is paid  
8 any amounts with respect to the furnishing of such serv-  
9 ices.

10          “(2) The term ‘addiction counselor’ means an indi-  
11 vidual who—

12           “(A) has completed coursework or training spe-  
13 cific to treating substance use disorders, including  
14 with respect to the addiction counseling com-  
15 petencies identified in the document published by the  
16 Substance Abuse and Mental Health Services Ad-  
17 ministration as part of the Technical Assistance  
18 Publication (TAP) series, number 21, entitled ‘Ad-  
19 diction Counseling Competencies: The Knowledge,  
20 Skills, and Attitudes of Professional Practice’ (or  
21 any successor publication); and

22           “(B) in the case of an individual performing  
23 services in a State that provides for licensure or cer-  
24 tification of addiction counselors, is licensed or cer-

1       tified as an addiction counselor or alcohol and drug  
2       counselor in such State.”.

3               (3) PROVISION FOR PAYMENT UNDER PART  
4       B.—Section 1832(a)(2)(B) of the Social Security  
5       Act (42 U.S.C. 1395k(a)(2)(B)) is amended—

6               (A) by striking “and” at the end of clause  
7       (iv); and

8               (B) by adding at the end the following new  
9       clause:

10              “(v) addiction counselor services;”.

11              (4) AMOUNT OF PAYMENT.—Section 1833(a)(1)  
12       of the Social Security Act (42 U.S.C. 1395l(a)(1))  
13       is amended—

14              (A) by striking “and” before “(CC)”; and

15              (B) by inserting before the semicolon at  
16       the end the following: “, and (DD) with respect  
17       to addiction counselor services under section  
18       1861(s)(2)(II), the amounts paid shall be 80  
19       percent of the lesser of the actual charge for  
20       the services or 60 percent of the amount deter-  
21       mined for payment of a psychologist under sub-  
22       paragraph (L).”.

23              (5) INCLUSION OF ADDICTION COUNSELORS AS  
24       PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Sec-  
25       tion 1842(b)(18)(C) of the Social Security Act (42

1 U.S.C. 1395u(b)(18)(C)) is amended by adding at  
2 the end the following new clause:

3 “(vii) An addiction counselor (as defined in sec-  
4 tion 1861(kkk)(2)).”.

5 (b) COVERAGE IN RURAL HEALTH CLINICS AND  
6 FEDERALLY QUALIFIED HEALTH CENTERS.—Section  
7 1861(aa)(1)(B) of the Social Security Act (42 U.S.C.  
8 1395x(aa)(1)(B)) is amended by striking “or by a clinical  
9 social worker (as defined in subsection (hh)(1)),” and in-  
10 serting “, by a clinical social worker (as defined in sub-  
11 section (hh)(1)), or by an addiction counselor (as defined  
12 in section 1861(kkk)(2)).”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply with respect to services furnished  
15 on or after January 1, 2020.

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