

107TH CONGRESS  
1ST SESSION

# H. R. 898

To amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2001

Mr. STRICKLAND (for himself, Mr. DEAL of Georgia, and Mr. STARK) 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 title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, 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 “Seniors Mental Health  
5 Access Improvement Act of 2001”.

1 **SEC. 2. COVERAGE OF MARRIAGE AND FAMILY THERAPIST**  
 2 **SERVICES UNDER PART B.**

3 (a) COVERAGE OF SERVICES.—Section 1861(s)(2) of  
 4 the Social Security Act (42 U.S.C. 1395x(s)(2)), as  
 5 amended by sections 102(a) and 105(a) of othe Medicare,  
 6 Medicaid, and SCHIP Benefits Improvement and Protec-  
 7 tion Act of 2000 (as enacted into law by section 1(a)(6)  
 8 of Public Law 106–554), is amended—

9 (1) in subparagraph (U), by striking “and” at  
 10 the end;

11 (2) in subparagraph (V), by striking the period  
 12 at the end and inserting “; and”; and

13 (3) by adding at the end the following new sub-  
 14 paragraph:

15 “(W) marriage and family therapist serv-  
 16 ices (as defined in subsection (ww)(1));”.

17 (b) DEFINITION.—Section 1861 of such Act (42  
 18 U.S.C. 1395x), as amended by sections 102(b) and 105(b)  
 19 of the Medicare, Medicaid, and SCHIP Benefits Improve-  
 20 ment and Protection Act of 2000 (as enacted into law by  
 21 section 1(a)(6) of Public Law 106–554), is amended by  
 22 adding at the end thereof the following new subsection:

23 “Marriage and Family Therapist Services

24 “(ww)(1) The term ‘marriage and family therapist  
 25 services’ means services performed by a marriage and  
 26 family therapist (as defined in paragraph (2)) for the diag-

1 nosis and treatment of mental illnesses, which the mar-  
2 riage and family therapist is legally authorized to perform  
3 under State law (or the State regulatory mechanism pro-  
4 vided by State law) of the State in which such services  
5 are performed, as would otherwise be covered if furnished  
6 by a physician or as an incident to a physician's profes-  
7 sional service, but only if no facility or other provider  
8 charges or is paid any amounts with respect to the fur-  
9 nishing of such services.

10 “(2) The term ‘marriage and family therapist’ means  
11 an individual who—

12 “(A) possesses a master’s or doctoral degree  
13 which qualifies for licensure or certification as a  
14 marriage and family therapist pursuant to State  
15 law;

16 “(B) after obtaining such degree has performed  
17 at least two years of clinical supervised experience in  
18 marriage and family therapy; and

19 “(C) in the case of an individual performing  
20 services in a State that provides for licensure or cer-  
21 tification of marriage or family therapists, is li-  
22 censed or certified as a marriage and family thera-  
23 pist in such State.”.

24 (c) PROVISION FOR PAYMENT UNDER PART B.—Sec-  
25 tion 1832(a)(2)(B) of such Act (42 U.S.C.

1 1395k(a)(2)(B)) is amended by adding at the end the fol-  
 2 lowing new clause:

3 “(v) marriage and family therapist  
 4 services;”.

5 (d) AMOUNT OF PAYMENT.—Section 1833(a)(1) of  
 6 such Act (42 U.S.C. 13951(a)(1)), as amended by sections  
 7 105(c) and 223(c) of the Medicare, Medicaid, and  
 8 SCHIP Benefits Improvement and Protection Act of 2000  
 9 (as enacted into law by section 1(a)(6) of Public Law 106–  
 10 554) is amended—

11 (1) by striking “and (U)” and inserting “(U)”;  
 12 and

13 (2) by inserting before the semicolon at the end  
 14 the following: “, and (V) with respect to marriage  
 15 and family therapist services under section  
 16 1861(s)(2)(W), the amounts paid shall be 80 percent  
 17 of the lesser of the actual charge for the services or  
 18 75 percent of the amount determined for payment of  
 19 a psychologist under clause (L)”.

20 (e) EXCLUSION OF MARRIAGE AND FAMILY THERA-  
 21 PIST SERVICES FROM SKILLED NURSING FACILITY PRO-  
 22 SPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii)  
 23 of such Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended  
 24 by inserting “marriage and family therapist services,”  
 25 after “qualified psychologist services,”.

1 (f) INCLUSION OF MARRIAGE AND FAMILY THERA-  
 2 PISTS AS PRACTITIONERS FOR ASSIGNMENT OF  
 3 CLAIMS.—Section 1842(b)(18)(C) of such Act (42 U.S.C.  
 4 1395u(b)(18(C)), as amended by section 105(d) of the  
 5 Medicare, Medicaid, and SCHIP Benefits Improvement  
 6 and Protection Act of 2000, as enacted into law by section  
 7 1(a)(6) of Public Law 106–554, is amended by adding at  
 8 the end the following new clause:

9 “(vii) A marriage and family therapist (as de-  
 10 fined in section 1861(ww)(2)).”.

11 **SEC. 3. COVERAGE OF MARRIAGE AND FAMILY THERAPIST**  
 12 **SERVICES PROVIDED IN CERTAIN SETTINGS.**

13 (a) RURAL HEALTH CLINICS.—Section  
 14 1861(aa)(1)(B) of the Social Security Act (42 U.S.C.  
 15 1395x(aa)(1)(B)) is amended by inserting “, by a mar-  
 16 riage and family therapist (as defined in subsection  
 17 (ww)(2)),” after “by a clinical psychologist (as defined by  
 18 the Secretary)”.

19 (b) HOSPICE PROGRAMS.—Section  
 20 1861(dd)(2)(B)(i)(III) of such Act (42 U.S.C.  
 21 1395x(dd)(2)(B)(i)(III)) is amended by inserting “or mar-  
 22 riage and family therapist (as defined in subsection  
 23 (ww)(2))” after “social worker”.

1 **SEC. 4. AUTHORIZATION OF MARRIAGE AND FAMILY**  
2 **THERAPISTS TO DEVELOP DISCHARGE PLANS**  
3 **FOR POST-HOSPITAL SERVICES.**

4 Section 1861(ee)(2)(G) of the Social Security Act (42  
5 U.S.C. 1395x(ee)(2)(G)) is amended by inserting “mar-  
6 riage and family therapist (as defined in subsection  
7 (ww)(2)),” after “social worker,”.

8 **SEC. 5. EFFECTIVE DATE.**

9 The amendments made by this Act apply with respect  
10 to services furnished on or after January 1, 2002.

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