

109TH CONGRESS
2D SESSION

H. R. 5324

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

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2006

Mrs. CUBIN 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 provide for the coverage of marriage and family therapist services and mental health counselor 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 2006”.

1 **SEC. 2. COVERAGE OF MARRIAGE AND FAMILY THERAPIST**
2 **SERVICES AND MENTAL HEALTH COUNSELOR**
3 **SERVICES UNDER PART B OF THE MEDICARE**
4 **PROGRAM.**

5 (a) COVERAGE OF SERVICES.—

6 (1) IN GENERAL.—Section 1861(s)(2) of the
7 Social Security Act (42 U.S.C. 1395x(s)(2)), as
8 amended by section 5112(a)(1) of the Deficit Reduc-
9 tion Act of 2005, is amended—

10 (A) in subparagraph (Z), by striking
11 “and” after the semicolon at the end;

12 (B) in subparagraph (AA), by inserting
13 “and” after the semicolon at the end; and

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

16 “(BB) marriage and family therapist services
17 (as defined in subsection (ccc)(1)) and mental health
18 counselor services (as defined in subsection
19 (ccc)(3));”.

20 (2) DEFINITIONS.—Section 1861 of the Social
21 Security Act (42 U.S.C. 1395x), as amended by sec-
22 tion 5112(a)(2) of the Deficit Reduction Act, is
23 amended by adding at the end the following new
24 subsection:

1 “Marriage and Family Therapist Services; Marriage and
2 Family Therapist; Mental Health Counselor Serv-
3 ices; Mental Health Counselor

4 “(ccc)(1) The term ‘marriage and family therapist
5 services’ means services performed by a marriage and
6 family therapist (as defined in paragraph (2)) for the diag-
7 nosis and treatment of mental illnesses, which the mar-
8 riage and family therapist is legally authorized to perform
9 under State law (or the State regulatory mechanism pro-
10 vided by State law) of the State in which such services
11 are performed, as would otherwise be covered if furnished
12 by a physician or as an incident to a physician’s profes-
13 sional service, but only if no facility or other provider
14 charges or is paid any amounts with respect to the fur-
15 nishing of such services.

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

18 “(A) possesses a master’s or doctoral degree
19 which qualifies for licensure or certification as a
20 marriage and family therapist pursuant to State
21 law;

22 “(B) after obtaining such degree has performed
23 at least 2 years of clinical supervised experience in
24 marriage and family therapy; and

1 “(C) in the case of an individual performing
2 services in a State that provides for licensure or cer-
3 tification of marriage and family therapists, is li-
4 censed or certified as a marriage and family thera-
5 pist in such State.

6 “(3) The term ‘mental health counselor services’
7 means services performed by a mental health counselor (as
8 defined in paragraph (4)) for the diagnosis and treatment
9 of mental illnesses which the mental health counselor is
10 legally authorized to perform under State law (or the
11 State regulatory mechanism provided by the State law) of
12 the State in which such services are performed, as would
13 otherwise be covered if furnished by a physician or as inci-
14 dent to a physician’s professional service, but only if no
15 facility or other provider charges or is paid any amounts
16 with respect to the furnishing of such services.

17 “(4) The term ‘mental health counselor’ means an
18 individual who—

19 “(A) possesses a master’s or doctor’s degree in
20 mental health counseling or a related field;

21 “(B) after obtaining such a degree has per-
22 formed at least 2 years of supervised mental health
23 counselor practice; and

24 “(C) in the case of an individual performing
25 services in a State that provides for licensure or cer-

tification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State.”.

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

“(v) marriage and family therapist services (as defined in section 1861(ccc)(1)) and mental health counselor services (as defined in section 1861(ccc)(3));”.

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

(A) by striking “and (V)” and inserting “(V)”; and

(B) by inserting before the semicolon at the end the following: “, and (W) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(BB), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount deter-

1 mined for payment of a psychologist under sub-
2 paragraph (L)”.
3

4 (5) EXCLUSION OF MARRIAGE AND FAMILY
5 THERAPIST SERVICES AND MENTAL HEALTH COUN-
6 SELOR SERVICES FROM SKILLED NURSING FACILITY
7 PROSPECTIVE PAYMENT SYSTEM.—Section
8 1888(e)(2)(A)(ii) of the Social Security Act (42
9 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting
10 “marriage and family therapist services (as defined
11 in section 1861(ccc)(1)), mental health counselor
12 services (as defined in section 1861(ccc)(3)),” after
13 “qualified psychologist services,”.

14 (6) INCLUSION OF MARRIAGE AND FAMILY
15 THERAPISTS AND MENTAL HEALTH COUNSELORS AS
16 PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Sec-
17 tion 1842(b)(18)(C) of the Social Security Act (42
18 U.S.C. 1395u(b)(18)(C)) is amended by adding at
19 the end the following new clauses:

20 “(vii) A marriage and family therapist (as de-
21 fined in section 1861(ccc)(2)).

22 “(viii) A mental health counselor (as defined in
23 section 1861(ccc)(4)).”.

24 (b) COVERAGE OF CERTAIN MENTAL HEALTH SERV-
ICES PROVIDED IN CERTAIN SETTINGS.—

1 (1) RURAL HEALTH CLINICS AND FEDERALLY
 2 QUALIFIED HEALTH CENTERS.—Section
 3 1861(aa)(1)(B) of the Social Security Act (42
 4 U.S.C. 1395x(aa)(1)(B)) is amended by striking “or
 5 by a clinical social worker (as defined in subsection
 6 (hh)(1))” and inserting “, by a clinical social worker
 7 (as defined in subsection (hh)(1)), by a marriage
 8 and family therapist (as defined in subsection
 9 (ccc)(2)), or by a mental health counselor (as de-
 10 fined in subsection (ccc)(4))”.

11 (2) HOSPICE PROGRAMS.—Section
 12 1861(dd)(2)(B)(i)(III) of the Social Security Act (42
 13 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by in-
 14 serting “or one marriage and family therapist (as
 15 defined in subsection (ccc)(2))” after “social work-
 16 er”.

17 (c) AUTHORIZATION OF MARRIAGE AND FAMILY
 18 THERAPISTS TO DEVELOP DISCHARGE PLANS FOR POST-
 19 HOSPITAL SERVICES.—Section 1861(ee)(2)(G) of the So-
 20 cial Security Act (42 U.S.C. 1395x(ee)(2)(G)) is amended
 21 by inserting “marriage and family therapist (as defined
 22 in subsection (ccc)(2)),” after “social worker,”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to services furnished
3 on or after January 1, 2007.

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