

110TH CONGRESS  
1ST SESSION

# H. R. 820

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

FEBRUARY 5, 2007

Mr. TOWNS 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 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Symptoms of depression are displayed by 37  
2 percent of seniors (individuals ages 65 and over) in  
3 the United States.

4           (2) The suicide rate for seniors is higher than  
5 such rate for other age groups in the United States.

6           (3) Many Medicare beneficiaries lack access to  
7 mental health services because mental health pro-  
8 viders do not furnish services in many medically un-  
9 derserved communities in which such beneficiaries  
10 inhabit.

11           (4) Marriage and family therapists are the only  
12 core mental health professionals recognized by the  
13 Department of Health and Human Services but not  
14 recognized by the Medicare program for purposes of  
15 coverage of services provided by such professionals  
16 and reimbursement for such services. Psychiatrists,  
17 clinical psychologists, clinical social workers, and  
18 psychiatric nurses are recognized Medicare pro-  
19 viders.

20           (5) Out of all counties in the United States,  
21 nearly 75 percent of such counties do not have psy-  
22 chiatrists, 58 percent of such counties do not have  
23 clinical social workers, and 50 percent of such coun-  
24 ties do not have psychologists with a professional de-  
25 gree to serve their population. Marriage and family

1 therapists provide critical, cost-effective mental  
2 health services for populations that have no other  
3 mental health providers.

4 (6) The shortage of mental health providers  
5 who participate in the Medicare program is a result  
6 of the Medicare program not covering the services of  
7 the 50,000 licensed marriage and family therapists.

8 (7) Many marriage and family therapists work  
9 in medically underserved communities. Twenty-five  
10 percent of patients are ethnic minorities and in  
11 2006, 27 percent of marriage and family therapy  
12 students were ethnic minorities, a percentage that  
13 continues to increase annually.

14 (8) There are 25 percent more marriage and  
15 family therapists than psychiatrists in rural coun-  
16 ties, and in the most rural areas, there are twice as  
17 many marriage and family therapists than psychia-  
18 trists.

19 (9) Medicare coverage of marriage and family  
20 therapy services can increase Medicare beneficiaries'  
21 access to mental health care in rural areas.

1 **SEC. 3. 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)) is amend-  
5 ed—

6 (1) in subparagraph (Z), by striking “and” at  
7 the end;

8 (2) in subparagraph (AA), by striking the pe-  
9 riod at the end and inserting “; and”; and

10 (3) by adding at the end the following new sub-  
11 paragraph:

12 “(BB) marriage and family therapist serv-  
13 ices (as defined in subsection (ccc)(1));”.

14 (b) **DEFINITION.**—Section 1861 of such Act (42  
15 U.S.C. 1395x) is amended by adding at the end thereof  
16 the following new subsection:

17 “Marriage and Family Therapist Services  
18 “(ccc)(1) The term ‘marriage and family therapist  
19 services’ means services performed by a marriage and  
20 family therapist (as defined in paragraph (2)) for the diag-  
21 nosis and treatment of mental illnesses, which the mar-  
22 riage and family therapist is legally authorized to perform  
23 under State law (or the State regulatory mechanism pro-  
24 vided by State law) of the State in which such services  
25 are performed, as would otherwise be covered if furnished  
26 by a physician or as an incident to a physician’s profes-

1 sional service, but only if no facility or other provider  
2 charges or is paid any amounts with respect to the fur-  
3 nishing of such services.

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

6 “(A) possesses a master’s or doctoral degree  
7 which qualifies for licensure or certification as a  
8 marriage and family therapist pursuant to State  
9 law;

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

13 “(C) in the case of an individual performing  
14 services in a State that provides for licensure or cer-  
15 tification of marriage or family therapists, is li-  
16 censed or certified as a marriage and family thera-  
17 pist in such State.”.

18 (c) PROVISION FOR PAYMENT UNDER PART B.—Sec-  
19 tion 1832(a)(2)(B) of such Act (42 U.S.C.  
20 1395k(a)(2)(B)) is amended by adding at the end the fol-  
21 lowing new clause:

22 “(v) marriage and family therapist  
23 services;”.

24 (d) AMOUNT OF PAYMENT.—Section 1833(a)(1) of  
25 such Act (42 U.S.C. 13951(a)(1)) is amended—

1           (1) by striking “and (V)” and inserting “(V)”;  
2           and

3           (2) by inserting before the semicolon at the end  
4           the following: “, and (W) with respect to marriage  
5           and family therapist services under section  
6           1861(s)(2)(BB), the amounts paid shall be 80 per-  
7           cent of the lesser of the actual charge for the serv-  
8           ices or 75 percent of the amount determined for  
9           payment of a psychologist under clause (L)”.

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

16          (f) INCLUSION OF MARRIAGE AND FAMILY THERA-  
17          PISTS AS PRACTITIONERS FOR ASSIGNMENT OF  
18          CLAIMS.—Section 1842(b)(18)(C) of such Act (42 U.S.C.  
19          1395u(b)(18)(C)) is amended by adding at the end the  
20          following new clause:

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

1 **SEC. 4. COVERAGE OF MARRIAGE AND FAMILY THERAPIST**  
 2 **SERVICES PROVIDED IN CERTAIN SETTINGS.**

3 (a) RURAL HEALTH CLINICS.—Section  
 4 1861(aa)(1)(B) of the Social Security Act (42 U.S.C.  
 5 1395x(aa)(1)(B)) is amended by inserting “, by a mar-  
 6 riage and family therapist (as defined in subsection  
 7 (ccc)(2)),” after “by a clinical psychologist (as defined by  
 8 the Secretary)”.

9 (b) HOSPICE PROGRAMS.—Section  
 10 1861(dd)(2)(B)(i)(III) of such Act (42 U.S.C.  
 11 1395x(dd)(2)(B)(i)(III)) is amended by inserting “or mar-  
 12 riage and family therapist (as defined in subsection  
 13 (ccc)(2))” after “social worker”.

14 **SEC. 5. AUTHORIZATION OF MARRIAGE AND FAMILY**  
 15 **THERAPISTS TO DEVELOP DISCHARGE PLANS**  
 16 **FOR POST-HOSPITAL SERVICES.**

17 Section 1861(ee)(2)(G) of the Social Security Act (42  
 18 U.S.C. 1395x(ee)(2)(G)) is amended by inserting “mar-  
 19 riage and family therapist (as defined in subsection  
 20 (ccc)(2)),” after “social worker,”.

21 **SEC. 6. EFFECTIVE DATE.**

22 The amendments made by this Act apply with respect  
 23 to services furnished on or after January 1, 2008.

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