

111TH CONGRESS
1ST SESSION

H. R. 1693

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

MARCH 24, 2009

Mr. GORDON of Tennessee (for himself, Mrs. NAPOLITANO, and Mr. LEWIS of Georgia) 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 2009”.

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)) is
8 amended—

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

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

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

15 “(FF) marriage and family therapist serv-
16 ices (as defined in subsection (hhh)(1)) and
17 mental health counselor services (as defined in
18 subsection (hhh)(3));”.

19 (2) DEFINITIONS.—Section 1861 of such Act
20 (42 U.S.C. 1395x) is amended by adding at the end
21 the following new subsection:

22 “Marriage and Family Therapist Services

23 “(hhh)(1) The term ‘marriage and family therapist
24 services’ means services performed by a marriage and
25 family therapist (as defined in paragraph (2)) for the diag-
26 nosis and treatment of mental illnesses, which the mar-

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

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

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

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

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

23 “(3) The term ‘mental health counselor services’
24 means services performed by a mental health counselor (as
25 defined in paragraph (4)) for the diagnosis and treatment

1 of mental illnesses which the mental health counselor is
2 legally authorized to perform under State law (or the
3 State regulatory mechanism provided by the State law) of
4 the State in which such services are performed, as would
5 otherwise be covered if furnished by a physician or as inci-
6 dent to a physician's professional service, but only if no
7 facility or other provider charges or is paid any amounts
8 with respect to the furnishing of such services.

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

11 “(A) possesses a master's or doctor's degree in
12 mental health counseling or a related field;

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

16 “(C) in the case of an individual performing
17 services in a State that provides for licensure or cer-
18 tification of mental health counselors or professional
19 counselors, is licensed or certified as a mental health
20 counselor or professional counselor in such State.”.

21 (3) PROVISION FOR PAYMENT UNDER PART
22 B.—Section 1832(a)(2)(B) of such Act (42 U.S.C.
23 1395k(a)(2)(B)) is amended by adding at the end
24 the following new clause:

1 “(v) marriage and family therapist
2 services (as defined in section
3 1861(hhh)(1)) and mental health counselor
4 services (as defined in section
5 1861(hhh)(3));”.

6 (4) AMOUNT OF PAYMENT.—Section 1833(a)(1)
7 of such Act (42 U.S.C. 1395l(a)(1)) is amended—

8 (A) by striking “and (W)” and inserting
9 “(W)”; and

10 (B) by inserting before the semicolon at
11 the end the following: “, and (X) with respect
12 to marriage and family therapist services and
13 mental health counselor services under section
14 1861(s)(2)(FF), the amounts paid shall be 80
15 percent of the lesser of the actual charge for
16 the services or 75 percent of the amount deter-
17 mined for payment of a psychologist under sub-
18 paragraph (L)”.

19 (5) EXCLUSION OF MARRIAGE AND FAMILY
20 THERAPIST SERVICES AND MENTAL HEALTH COUN-
21 SELOR SERVICES FROM SKILLED NURSING FACILITY
22 PROSPECTIVE PAYMENT SYSTEM.—Section
23 1888(e)(2)(A)(ii) of such Act (42 U.S.C.
24 1395yy(e)(2)(A)(ii)) is amended by inserting “mar-
25 riage and family therapist services, mental health

1 counselor services,” after “qualified psychologist
2 services,”.

3 (6) INCLUSION OF MARRIAGE AND FAMILY
4 THERAPISTS AND MENTAL HEALTH COUNSELORS AS
5 PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Sec-
6 tion 1842(b)(18)(C) of such Act (42 U.S.C.
7 1395u(b)(18)(C)) is amended by adding at the end
8 the following new clauses:

9 “(vii) A marriage and family therapist
10 (as defined in section 1861(hhh)(2)).

11 “(viii) A mental health counselor (as
12 defined in section 1861(hhh)(4)).”.

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

15 (1) RURAL HEALTH CLINICS AND FEDERALLY
16 QUALIFIED HEALTH CENTERS.—Section
17 1861(aa)(1)(B) of such Act (42 U.S.C.
18 1395x(aa)(1)(B)) is amended by striking “or by a
19 clinical social worker (as defined in subsection
20 (hh)(1))” and inserting “by a clinical social worker
21 (as defined in subsection (hh)(1)), by a marriage
22 and family therapist (as defined in subsection
23 (hhh)(2)), or by a mental health counselor (as de-
24 fined in subsection (hhh)(4))”.

1 (2) HOSPICE PROGRAMS.—Section
2 1861(dd)(2)(B)(i)(III) of such Act (42 U.S.C.
3 1395x(dd)(2)(B)(i)(III)) is amended by inserting “or
4 one marriage and family therapist or mental health
5 counselor” after “social worker”.

6 (c) AUTHORIZATION OF MARRIAGE AND FAMILY
7 THERAPISTS AND MENTAL HEALTH COUNSELORS TO
8 DEVELOP DISCHARGE PLANS FOR POST-HOSPITAL SERV-
9 ICES.—Section 1861(ee)(2)(G) of such Act (42 U.S.C.
10 1395x(ee)(2)(G)) is amended by inserting “including
11 those marriage and family therapists and mental health
12 counselors meeting appropriate qualification standards as
13 issued by the Secretary” after “social worker, qualified
14 personnel”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to services furnished
17 on or after January 1, 2010.

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