

111TH CONGRESS
1ST SESSION

H. R. 4373

To amend title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, Mr. BARROW, Ms. JACKSON-LEE of Texas, Mr. STARK, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 stabilize and modernize the provision of partial hospitalization services under 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 “Outpatient Mental
5 Health Modernization Act of 2009”.

1 **SEC. 2. ALLOWABLE PARTIAL HOSPITALIZATION SERVICES.**

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

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

6 (2) by redesignating subparagraph (I) as sub-
7 paragraph (J);

8 (3) in subparagraph (J), as redesignated by
9 paragraph (2), by striking “(but in no event to in-
10 clude meals and transportation)”;

11 (4) by inserting after subparagraph (H) the fol-
12 lowing new subparagraph:

13 “(I) nutritional planning, meals, and trans-
14 portation, and”; and

15 (5) by adding at the end the following new sen-
16 tence: “The guidelines established under the pre-
17 ceding sentence shall not allow for nutritional plan-
18 ning, meals, and transportation to be considered as
19 meeting the minimum number of services require-
20 ment in order to receive payment for such items and
21 services.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to services furnished on or after
24 January 1, 2011.

1 **SEC. 3. BEHAVIORAL HEALTH ADVISORY COMMITTEE.**

2 (a) IN GENERAL.—Not later than January 1, 2011,
3 the Secretary of Health and Human Services shall convene
4 a Behavioral Health Advisory Committee (in this section
5 referred to as the “Advisory Committee”) composed of
6 stakeholders in the behavioral health community.

7 (b) DUTIES.—The Advisory Committee shall address
8 issues relating to—

9 (1) discrimination against the chronically men-
10 tally ill, elderly, and United States veterans as it re-
11 lates to receiving treatment for mental illness;

12 (2) the establishment of conditions of participa-
13 tion for community mental health centers (as de-
14 fined in paragraph (3)(B) of section 1861(ff) of the
15 Social Security Act (42 U.S.C. 1395x(ff)) that pro-
16 vide partial hospitalization services (as defined in
17 paragraph (1) of such section) under the Medicare
18 program under title XVIII of such Act; and

19 (3) other matters to be determined jointly by
20 the Secretary and the Advisory Committee.

21 (c) IMPLEMENTATION.—Not later than January 1,
22 2012, the Secretary of Health and Human Services, in
23 consultation with the Advisory Committee, shall imple-
24 ment conditions of participation for community mental
25 health centers (as so defined) that provide partial hos-

- 1 pitalization services (as so defined) under the Medicare
- 2 program under title XVIII of the Social Security Act.

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