

111TH CONGRESS
2D SESSION

S. 3709

To amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Mr. WHITEHOUSE (for himself, Mr. BROWN of Ohio, Mr. FRANKEN, Mr. LAUTENBERG, Mrs. SHAHEEN, Ms. STABENOW, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, 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 “Health Information
5 Technology Extension for Behavioral Health Services Act
6 of 2010”.

1 **SEC. 2. EXTENSION OF HEALTH INFORMATION TECH-**
 2 **NOLOGY ASSISTANCE FOR BEHAVIORAL**
 3 **HEALTH AND MENTAL HEALTH AND SUB-**
 4 **STANCE ABUSE.**

5 Section 3000(3) of the Public Health Services Act
 6 (42 U.S.C. 300jj(3)) is amended by inserting “a behav-
 7 ioral or mental health professional (as defined in section
 8 331(a)(3)(E)(i)), a substance abuse professional, a psy-
 9 chiatric hospital (as defined in section 1861(f) of the So-
 10 cial Security Act), a community mental health center (as
 11 described in section 1913(b)(2)), a mental health treat-
 12 ment facility, a substance abuse treatment facility,” before
 13 “and any other category”.

14 **SEC. 3. EXTENSION OF HEALTH INFORMATION TECH-**
 15 **NOLOGY REGIONAL EXTENSION CENTERS.**

16 Section 3012(c)(4) of the Public Health Service Act
 17 (42 U.S.C. 300jj–32(c)(4)) is amended by adding at the
 18 end the following:

19 “(E) Community mental health centers (as
 20 described in section 1913(b)(2)), psychiatric
 21 hospitals (as defined in section 1861(f) of the
 22 Social Security Act), behavioral and mental
 23 health professionals (as defined in section
 24 331(a)(3)(E)(i)), substance abuse professionals,
 25 mental health treatment facilities, and sub-
 26 stance abuse treatment facilities.”.

1 **SEC. 4. EXTENSION OF ELIGIBILITY FOR MEDICARE AND**
 2 **MEDICAID HEALTH INFORMATION TECH-**
 3 **NOLOGY ASSISTANCE.**

4 (a) PAYMENT INCENTIVES FOR ELIGIBLE PROFES-
 5 SIONALS UNDER THE MEDICARE PROGRAM.—Section
 6 1848 of the Social Security Act (42 U.S.C. 1395w–4) is
 7 amended—

8 (1) by striking subsection (a)(7)(E)(iii) and in-
 9 serting the following:

10 “(iii) ELIGIBLE PROFESSIONAL.—The
 11 term ‘eligible professional’ means any of
 12 the following:

13 “(I) A physician (as defined sec-
 14 tion 1861(r)).

15 “(II) A clinical psychologist pro-
 16 viding qualified psychologist services
 17 (as defined in section 1861(ii)).

18 “(III) A clinical social worker (as
 19 defined in section 1861(hh)(1)).”; and

20 (2) by striking subsection (o)(5)(C) and insert-
 21 ing the following:

22 “(C) ELIGIBLE PROFESSIONAL.—The term
 23 ‘eligible professional’ means any of the fol-
 24 lowing:

25 “(i) A physician (as defined section
 26 1861(r)).

1 “(ii) A clinical psychologist providing
 2 qualified psychologist services (as defined
 3 in section 1861(ii)).

4 “(iii) A clinical social worker (as de-
 5 fined in section 1861(hh)(1)).”.

6 (b) ELIGIBLE HOSPITALS.—Section 1886(s) of the
 7 Social Security Act (42 U.S.C. 1395ww(s)) is amended—

8 (1) in paragraph (4)(A)(i), by inserting “(or,
 9 beginning with fiscal year 2015, by one-quarter of
 10 such annual update (determined without regard to
 11 clause (i) or (ii) of paragraph (1)(A) or paragraph
 12 (5))” after “2 percentage points”; and

13 (2) by adding at the end the following new
 14 paragraph:

15 “(5) APPLICATION OF INCENTIVES AND INCEN-
 16 TIVE MARKET BASKET ADJUSTMENT FOR ADOPTION
 17 AND MEANINGFUL USE OF CERTIFIED EHR TECH-
 18 NOLOGY.—The provisions of subsections (n) and
 19 (b)(3)(B)(ix) shall apply to a psychiatric hospital (as
 20 defined in section 1861(f)) that furnishes inpatient
 21 hospital services with respect to a rate year begin-
 22 ning in a fiscal year in the same manner as such
 23 subsections apply to an eligible hospital (as defined
 24 in subsection (n)(6)(B)) with respect to such fiscal

1 year (in accordance with rules prescribed by the Sec-
2 retary).”.

3 (c) MEDICAID PROVIDERS.—Section 1903(t) of the
4 Social Security Act (42 U.S.C. 1396b(t)) is amended—

5 (1) in paragraph (2)(B)—

6 (A) in clause (i) by striking “, or” and in-
7 serting a semicolon;

8 (B) in clause (ii), by striking the period at
9 the end and inserting a semicolon; and

10 (C) by adding after clause (ii) the fol-
11 lowing:

12 “(iii) a public hospital that is prin-
13 cipally a psychiatric hospital (as defined in
14 section 1861(f));

15 “(iv) a private hospital that is prin-
16 cipally a psychiatric hospital (as defined in
17 section 1861(f)) and that has at least 10
18 percent of its patient volume (as estimated
19 in accordance with a methodology estab-
20 lished by the Secretary) attributable to in-
21 dividuals receiving medical assistance
22 under this title;

23 “(v) a community mental health cen-
24 ter (as described in section 1913(b)(2) of
25 the Public Health Service Act);

“(vi) a mental health treatment facility that has at least 10 percent of its patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to individuals receiving medical assistance under this title; or

“(vii) a substance abuse treatment facility that has at least 10 percent of its patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to individuals receiving medical assistance under this title.”; and

(2) in paragraph (3)(B)—

(A) in clause (iv), by striking “; and” and inserting a semicolon;

(B) in clause (v), by striking the period and inserting a semicolon; and

(C) by adding at the end of the following:

“(vi) clinical psychologist providing qualified psychologist services (as defined in section 1861(ii)), if such clinical psychologist is practicing in an outpatient setting that—

“(I) is led by a clinical psychologist; and

1 “(II) is not otherwise receiving
2 payment under paragraph (1) as a
3 Medicaid provider described in para-
4 graph (2)(B); and

5 “(vii) a clinical social worker (as de-
6 fined in section 1861(hh)(1)), if such clin-
7 ical social worker is practicing in an out-
8 patient clinic that—

9 “(I) is led by a clinical social
10 worker; and

11 “(II) is not otherwise receiving
12 payment under paragraph (1) as a
13 Medicaid provider described in para-
14 graph (2)(B).”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect as if included in the enact-
17 ment of the American Recovery and Reinvestment Act of
18 2009 (Public Law 111–5).

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