

118TH CONGRESS
1ST SESSION

H. R. 5510

To amend title XVIII of the Social Security Act to require coverage of 3 primary care visits without cost sharing each year under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2023

Ms. SALINAS (for herself and Mrs. NAPOLITANO) 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 require coverage of 3 primary care visits without cost sharing each year under the Medicare program.

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 “Helping Out Patients
5 for Emotional and Mental Wellbeing Act” or the “HOPE
6 and Mental Wellbeing Act of 2023”.

1 **SEC. 2. REQUIRING COVERAGE OF 3 PRIMARY CARE VISITS**
2 **WITHOUT COST SHARING EACH YEAR UNDER**
3 **MEDICARE.**

4 (a) MEDICARE.—

5 (1) IN GENERAL.—Section 1833 of the Social
6 Security Act (42 U.S.C. 1395l) is amended—

7 (A) in subsection (a)(1)—

8 (i) by striking “and” before “(HH)”;

9 and

10 (ii) by inserting before the semicolon
11 at the end the following: “, and (II) with
12 respect to the first 3 primary care visits
13 (as defined in section 1861(nnn)) fur-
14 nished to an individual during a year (be-
15 ginning with 2024) for which payment may
16 be made under a specified outpatient pay-
17 ment provision described in subsection
18 (cc)(2), the amounts paid shall be 100 per-
19 cent of the lesser of the actual charge or
20 the payment amount otherwise recognized
21 under such respective specified outpatient
22 payment provision for such visit”; and

23 (B) in subsection (b), in the first sen-
24 tence—

25 (i) by striking “and” before “(13)”;

1 (ii) in paragraph (13), by striking “..”
 2 and inserting a period; and
 3 (iii) by inserting before the period at
 4 the end the following: “, and (13) shall not
 5 apply with respect to the first 3 primary
 6 care visits (as defined in section
 7 1861(nnn)) furnished to an individual dur-
 8 ing a year (beginning with 2024) for which
 9 payment may be made under a specified
 10 outpatient payment provision described in
 11 subsection (cc)(2)”.

12 (2) MEDICARE ADVANTAGE.—Section
 13 1852(a)(1)(B) of the Social Security Act (42 U.S.C.
 14 1395w-22(a)(1)(B)) is amended—

15 (A) in clause (iv)—

16 (i) by redesignating subclause (VIII)
 17 as subclause (IX); and

18 (ii) by inserting after subclause (VII)
 19 the following new subclause:

20 “(VIII) the first 3 primary care
 21 visits (as defined in section
 22 1861(nnn)) furnished to an enrollee
 23 during a year (beginning with
 24 2024).”; and

1 (B) in clause (v), by striking “and (VII)”
2 and inserting “(VII), and (VIII)”.

3 (3) DEFINITION.—Section 1861 of the Social
4 Security Act (42 U.S.C. 1395x) is amended by add-
5 ing at the end the following new subsection:

6 “(nnn) PRIMARY CARE VISIT.—The term ‘primary
7 care visit’ means outpatient behavioral health services,
8 nonspecialty medical services, and care coordination serv-
9 ices furnished for the prevention, diagnosis, treatment, or
10 management of a physical or behavioral health condi-
11 tion.”.

12 (b) MEDICAID.—

13 (1) IN GENERAL.—Section 1916 of the Social
14 Security Act (42 U.S.C. 1396o) is amended—

15 (A) in subsection (a)(2)—

16 (i) in subparagraph (I), by striking
17 “or” at the end;

18 (ii) in subparagraph (J), by striking
19 “; and” at the end and inserting “, or”;
20 and

21 (iii) by adding at the end the fol-
22 lowing new subparagraph:

23 “(K) the first 3 primary care visits (as de-
24 fined in section 1861(nnn)) furnished to an in-
25 dividual during a year (beginning with 2024)

for which payment may be made under this title; and”; and

(B) in subsection (b)(2)—

(i) in subparagraph (I), by striking “or” at the end;

(ii) in subparagraph (J), by striking “; and” at the end and inserting “, or”; and

(iii) by adding at the end the following new subparagraph:

“(K) the first 3 primary care visits (as defined in section 1861(nnn)) furnished to an individual during a year (beginning with 2024); and”.

(2) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following new clause:

“(xv) The first 3 primary care visits (as defined in section 1861(nnn)) furnished to an individual during a year (beginning with 2024).”.

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