

117TH CONGRESS
2D SESSION

S. 5042

To amend title XVIII of the Social Security Act to expand eligibility for incentives under the Medicare health professional shortage area bonus program to practitioners furnishing mental health and substance use disorder services.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Ms. STABENOW (for herself and Mr. DAINES) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to expand eligibility for incentives under the Medicare health professional shortage area bonus program to practitioners furnishing mental health and substance use disorder services.

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 “More Behavioral
5 Health Providers Act”.

1 **SEC. 2. EXPANDING ELIGIBILITY FOR INCENTIVES UNDER**
2 **THE MEDICARE HEALTH PROFESSIONAL**
3 **SHORTAGE AREA BONUS PROGRAM TO PRAC-**
4 **TITIONERS FURNISHING MENTAL HEALTH**
5 **AND SUBSTANCE USE DISORDER SERVICES.**

6 Section 1833(m) of the Social Security Act (42
7 U.S.C. 1395l(m)) is amended—

8 (1) by striking paragraph (1) and inserting the
9 following new paragraph:

10 “(1) In the case of—

11 “(A) physicians’ services (other than specified
12 health services that are eligible for the additional
13 payment under subparagraph (B)) furnished in a
14 year to an individual, who is covered under the in-
15 surance program established by this part and who
16 incurs expenses for such services, in an area that is
17 designated (under section 332(a)(1)(A) of the Public
18 Health Service Act) as a health professional short-
19 age area as identified by the Secretary prior to the
20 beginning of such year, in addition to the amount
21 otherwise paid under this part, there also shall be
22 paid to the physician (or to an employer or facility
23 in the cases described in clause (A) of section
24 1842(b)(6)) (on a monthly or quarterly basis) from
25 the Federal Supplementary Medical Insurance Trust

1 Fund an amount equal to 10 percent of the payment
 2 amount for the service under this part; and

3 “(B) specified health services (as defined in
 4 paragraph (5)) furnished in a year to an individual,
 5 who is covered under the insurance program estab-
 6 lished by this part and who incurs expenses for such
 7 services, in an area that is designated (under such
 8 section 332(a)(1)(A)) as a mental health profes-
 9 sional shortage area as identified by the Secretary
 10 prior to the beginning of such year, in addition to
 11 the amount otherwise paid under this part, there
 12 also shall be paid to the physician or applicable
 13 practitioner (as defined in paragraph (6)) (or to an
 14 employer or facility in the cases described in clause
 15 (A) of section 1842(b)(6)) (on a monthly or quar-
 16 terly basis) from such Trust Fund an amount equal
 17 to 15 percent of the payment amount for the service
 18 under this part.”;

19 (2) in paragraph (2)—

20 (A) by striking “in paragraph (1)” and in-
 21 serting “in subparagraph (A) or (B) of para-
 22 graph (1)”;

23 (B) by inserting “or, in the case of speci-
 24 fied health services, the physician or applicable
 25 practitioner” after “physician”;

1 (3) in paragraph (3), by striking “in paragraph
2 (1)” and inserting “in subparagraph (A) or (B) of
3 paragraph (1)”;

4 (4) in paragraph (4)—

5 (A) in subparagraph (B), by inserting “or
6 applicable practitioner” after “physician”; and

7 (B) in subparagraph (C), by inserting “or
8 applicable practitioner” after “physician”; and

9 (5) by adding at the end the following new
10 paragraph:

11 “(5) In this subsection, the term ‘specified health
12 services’ means services otherwise covered under this part
13 that are furnished on or after January 1, 2024, by a phy-
14 sician or an applicable practitioner to an individual—

15 “(A) for purposes of diagnosis, evaluation, or
16 treatment of a mental health disorder, as determined
17 by the Secretary; or

18 “(B) with a substance use disorder diagnosis
19 for purposes of treatment of such disorder or co-oc-
20 curring mental health disorder, as determined by the
21 Secretary.

22 “(6) In this subsection, the term ‘applicable practi-
23 tioner’ means the following:

1 “(A) A physician assistant, nurse practitioner,
2 or clinical nurse specialist (as defined in section
3 1861(aa)(5)).

4 “(B) A clinical social worker (as defined in sec-
5 tion 1861(hh)(1)).

6 “(C) A clinical psychologist (as defined by the
7 Secretary for purposes of section 1861(ii)).

8 “(D) A marriage and family therapist (as de-
9 fined in section 1861(lll)(2)).

10 “(E) A mental health counselor (as defined in
11 section 1861(lll)(4)).”.

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