

118TH CONGRESS
1ST SESSION

S. 669

To amend title XVIII of the Social Security Act to expand access to psychological and behavioral services.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2023

Mr. BROWN (for himself, Ms. COLLINS, Mr. HEINRICH, and Mr. MULLIN) 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 access to psychological and behavioral 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 “Increasing Mental
5 Health Options Act of 2023”.

6 **SEC. 2. EXPANDING ELIGIBILITY FOR INCENTIVES TO**
7 **PRACTICE IN RURAL AND UNDERSERVED**
8 **AREAS.**

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

1 (1) in paragraph (1)—

2 (A) by inserting “(A)” before “In the
3 case”; and

4 (B) by adding at the end the following new
5 subparagraph:

6 “(B) In the case of services furnished by a clinical
7 psychologist (as defined by the Secretary for purposes of
8 section 1861(ii)) in a year (beginning with 2025) to an
9 individual, who is covered under the insurance program
10 established by this part and who incurs expenses for such
11 services, in an area that is designated (under section
12 332(a)(1)(A) of the Public Health Service Act) as a health
13 professional shortage area as identified by the Secretary
14 prior to the beginning of such year, in addition to the
15 amount otherwise paid under this part, there also shall
16 be paid to the clinical psychologist (or to an employer or
17 facility in the cases described in clause (A) of section
18 1842(b)(6)) (on a monthly or quarterly basis) from the
19 Federal Supplementary Medical Insurance Trust Fund an
20 amount equal to 10 percent of the payment amount for
21 the service under this part”; and

22 (2) in paragraph (2), by inserting “or clinical
23 psychologist” after “physician”.

1 **SEC. 3. ELIMINATING UNNECESSARY OVERSIGHT AND AP-**
 2 **PROVAL REQUIREMENTS FOR BEHAVIORAL**
 3 **HEALTH SERVICES PROVIDED BY CLINICAL**
 4 **PSYCHOLOGISTS.**

5 (a) **COMPREHENSIVE OUTPATIENT REHABILITATION**
 6 **FACILITIES.**—Section 1835(a)(2)(E)(iii) of the Social Se-
 7 curity Act (42 U.S.C. 1395n(a)(2)(E)(iii)) is amended by
 8 inserting “, except that an individual receiving qualified
 9 psychologist services as described in section 1861(ii) may
 10 be under the care of a clinical psychologist with respect
 11 to such services to the extent authorized under State law”
 12 before the semicolon.

13 (b) **SKILLED NURSING FACILITIES.**—Section
 14 1819(b) of such Act (42 U.S.C. 1395i–3(b)) is amended—

15 (1) in paragraph (5)(G), by inserting “clinical
 16 psychologist,” after “nurse practitioner,”; and

17 (2) in paragraph (6)(A), by inserting “, except
 18 that a resident receiving qualified psychologist serv-
 19 ices as described in section 1861(ii) may be under
 20 the supervision of a clinical psychologist with respect
 21 to such services to the extent authorized under State
 22 law” before the semicolon.

23 (c) **PARTIAL HOSPITALIZATION SERVICES.**—

24 (1) Section 1835(a)(2)(F)(iii) of the Social Se-
 25 curity Act (42 U.S.C. 1395n(a)(2)(F)(iii)) is amend-
 26 ed by inserting “, except that an individual receiving

1 qualified psychologist services as described in section
 2 1861(ii) may be under the care of a clinical psychol-
 3 ogist with respect to such services to the extent au-
 4 thorized under State law” before the period.

5 (2) Section 1861(ff)(1) of such Act (42 U.S.C.
 6 1395x(ff)(1)) is amended by inserting “(or, in the
 7 case of qualified psychologist services, under the su-
 8 pervision of a clinical psychologist to the extent au-
 9 thorized under State law)” after “under the super-
 10 vision of a physician”.

11 (d) HOME HEALTH SERVICES.—

12 (1) Section 1861(m) of such Act (42 U.S.C.
 13 1395x(m)) is amended—

14 (A) in paragraph (6), by striking “and” at
 15 the end;

16 (B) in paragraph (7), by inserting “and”
 17 after the semicolon; and

18 (C) by inserting after paragraph (7) the
 19 following new paragraph:

20 “(8) an individual receiving qualified psycholo-
 21 gist services may be under the care of a clinical psy-
 22 chologist with respect to such services to the extent
 23 authorized under State law;”.

1 (2) Section 1891(a)(3)(F) of such Act (42
 2 U.S.C. 1395bbb(a)(3)(F)) is amended by inserting
 3 “clinical psychologist,” after “physician,”.

4 (e) INPATIENT PSYCHIATRIC HOSPITAL SERVICES.—
 5 Section 1814(a)(2)(A) of such Act (42 U.S.C.
 6 1395f(a)(2)(A)) is amended by inserting “(or, in the case
 7 of qualified psychologist services, under the supervision of
 8 a clinical psychologist to the extent authorized under State
 9 law)” after “under the supervision of a physician”.

10 (f) RULE OF CONSTRUCTION.—In accordance with
 11 section 410.71(e) of title 42, Code of Federal Regulations
 12 (or any successor regulation), nothing in the provisions of,
 13 and amendments made by, this section shall be construed
 14 as changing or eliminating existing requirements regard-
 15 ing clinical consultation by clinical psychologists with a
 16 beneficiary’s physician, in accordance with accepted pro-
 17 fessional ethical norms and taking into consideration pa-
 18 tient confidentiality.

19 (g) EFFECTIVE DATE.—The amendments made by
 20 this section shall apply to services furnished on or after
 21 January 1, 2025.

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