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(Original Signature of Member)

117TH CONGRESS  
2D SESSION

# H. R.

To amend title XVIII of the Social Security Act to ensure adequate coverage of outpatient mental health services under the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend title XVIII of the Social Security Act to ensure adequate coverage of outpatient mental health services 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. ENSURING ADEQUATE COVERAGE OF OUT-**  
4 **PATIENT MENTAL HEALTH SERVICES UNDER**  
5 **THE MEDICARE PROGRAM.**

6 (a) MODIFICATION OF DEFINITION OF PARTIAL HOS-  
7 PITALIZATION SERVICES.—Section 1861(ff)(1) of the So-  
8 cial Security Act (42 U.S.C. 1395x(ff)(1)) is amended by

1 inserting “for an individual determined (not less fre-  
2 quently than monthly) by a physician to have a need for  
3 such services for a minimum of 20 hours per week” after  
4 “prescribed by a physician”.

5 (b) COVERAGE OF INTENSIVE OUTPATIENT SERV-  
6 ICES.—

7 (1) SCOPE OF BENEFITS.—

8 (A) COMMUNITY MENTAL HEALTH CEN-  
9 TERS.—Section 1832(a)(2)(J) of the Social Se-  
10 curity Act (42 U.S.C. 1395k(a)(2)(J)) is  
11 amended by inserting “and intensive outpatient  
12 services” after “partial hospitalization serv-  
13 ices”.

14 (B) INCIDENT-TO SERVICES.—Section  
15 1861(s)(2)(B) is amended by inserting “or in-  
16 tensive outpatient services” after “partial hos-  
17 pitalization services”.

18 (2) DEFINITION.—Section 1861(ff) of the So-  
19 cial Security Act (42 U.S.C. 1395x(ff)) is amend-  
20 ed—

21 (A) in the header, by inserting “; Intensive  
22 Outpatient Services” after “Partial Hospitaliza-  
23 tion Services”; and

24 (B) by adding at the end the following new  
25 paragraph:

1 “(4) The term ‘intensive outpatient services’ has the  
2 meaning given the term ‘partial hospitalization services’  
3 in paragraph (1), except that—

4 “(A) section 1835(a)(2)(F)(i) shall not apply;

5 “(B) the reference in such paragraph to an in-  
6 dividual ‘determined (not less frequently than  
7 monthly) by a physician to have a need for such  
8 services for a minimum of 20 hours per week’ shall  
9 be treated as a reference to an individual ‘deter-  
10 mined (not less frequently than once every other  
11 month) by a physician to have a need for such serv-  
12 ices for a minimum of 9 hours per week’; and

13 “(C) the reference to ‘a community mental  
14 health center (as defined in subparagraph (B))’ in  
15 paragraph (3) shall be treated as a reference to ‘a  
16 community mental health center (as defined in sub-  
17 paragraph (B)), a Federally qualified health center,  
18 or a rural health clinic’.”.

19 (3) EXCLUSION FROM CALCULATION OF CER-  
20 TAIN TREATMENT COSTS.—Section 1833(c)(2) of the  
21 Social Security Act (42 U.S.C. 1395l(c)(2)) is  
22 amended by inserting “or intensive outpatient serv-  
23 ices” after “partial hospitalization services”.

24 (4) CONFORMING AMENDMENTS.—

1 (A) INTENSIVE OUTPATIENT SERVICES.—  
2 Section 1861(aa) of the Social Security Act (42  
3 U.S.C. 1395x(aa)) is amended—

4 (i) in paragraph (1)—

5 (I) in subparagraph (B), by  
6 striking “and” at the end;

7 (II) in subparagraph (C), by add-  
8 ing “and” at the end; and

9 (III) by inserting after subpara-  
10 graph (C) the following new subpara-  
11 graph:

12 “(D) intensive outpatient services (as defined in  
13 section 1861(ff)(4)),”; and

14 (ii) in paragraph (3), by striking  
15 “through (C)” and inserting “through  
16 (D)”.

17 (B) PROVIDER OF SERVICES.—Section  
18 1866(e)(2) of the Social Security Act (42  
19 U.S.C. 1395cc(e)(2)) is amended by inserting “,  
20 or intensive outpatient services (as described in  
21 section 1861(ff)(4))” after “partial hospitaliza-  
22 tion services (as described in section  
23 1861(ff)(1))”.

1           (c) SPECIAL PAYMENT RULE FOR FQHCs AND  
2 RHCs.—Section 1834 of the Social Security Act (42  
3 U.S.C. 1395m) is amended—

4           (1) in subsection (o), by adding at the end the  
5 following new paragraph:

6           “(5) SPECIAL PAYMENT RULE FOR INTENSIVE  
7 OUTPATIENT SERVICES.—

8           “(A) IN GENERAL.—In the case of inten-  
9 sive outpatient services furnished by a Federally  
10 qualified health center, the payment amount for  
11 such services shall be equal to the amount that  
12 would have been paid under this title for such  
13 services had such services been covered OPD  
14 services furnished by a hospital.

15           “(B) EXCLUSION.—Costs associated with  
16 intensive outpatient services shall not be used  
17 to determine the amount of payment for Feder-  
18 ally qualified health center services under the  
19 prospective payment system under this sub-  
20 section.”; and

21           (2) in subsection (y)—

22           (A) in the header, by striking “TO HOS-  
23 PICE PATIENTS”; and

24           (B) by adding at the end the following new  
25 paragraph:

1           “(3) SPECIAL PAYMENT RULE FOR INTENSIVE  
2           OUTPATIENT SERVICES.—

3           “(A) IN GENERAL.—In the case of inten-  
4           sive outpatient services furnished by a rural  
5           health clinic, the payment amount for such  
6           services shall be equal to the amount that would  
7           have been paid under this title for such services  
8           had such services been covered OPD services  
9           furnished by a hospital.

10           “(B) EXCLUSION.—Costs associated with  
11           intensive outpatient services shall not be used  
12           to determine the amount of payment for for  
13           rural health clinic services under the method-  
14           ology for all-inclusive rates (established by the  
15           Secretary) under section 1833(a)(3).”.

16           (d) EFFECTIVE DATE.—The amendments made by  
17           this section shall apply with respect to items and services  
18           furnished on or after January 1, 2024.