

113TH CONGRESS
1ST SESSION

H. R. 3717

To make available needed psychiatric, psychological, and supportive services for individuals diagnosed with mental illness and families in mental health crisis, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2013

Mr. MURPHY of Pennsylvania (for himself, Mr. CASSIDY, Mr. LANCE, and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Education and the Workforce, Ways and Means, and Science, Space, and Technology, 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 make available needed psychiatric, psychological, and supportive services for individuals diagnosed with mental illness and families in mental health crisis, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Helping Families in Mental Health Crisis Act of 2013”.

1 (1) evaluate the program under subsection (a)
2 on public health to determine whether the program
3 has made an impact on public health, including mor-
4 tality rates of persons with serious mental illness,
5 prevalence of serious mental illness, physician and
6 clinical psychological visits, emergency room visits;
7 and

8 (2) submit a report on the evaluation to the
9 National Mental Health Policy Laboratory created
10 by title I of this Act.

11 (c) SECONDARY SCHOOL DEFINED.—For purposes of
12 this section, the term “secondary school” has the meaning
13 given the term in section 9101 of the Elementary and Sec-
14 ondary Education Act of 1965 (20 U.S.C. 7801).

15 **TITLE IX—BEHAVIORAL HEALTH** 16 **INFORMATION TECHNOLOGY**

17 **SEC. 901. EXTENSION OF HEALTH INFORMATION TECH-** 18 **NOLOGY ASSISTANCE FOR BEHAVIORAL AND** 19 **MENTAL HEALTH AND SUBSTANCE ABUSE.**

20 Section 3000(3) of the Public Health Service Act (42
21 U.S.C. 300jj(3)) is amended by inserting before “and any
22 other category” the following: “behavioral and mental
23 health professionals (as defined in section
24 331(a)(3)(E)(i)), a substance abuse professional, a psy-
25 chiatric hospital (as defined in section 1861(f) of the So-

1 cial Security Act), a community mental health center
 2 meeting the criteria specified in section 1913(c), a feder-
 3 ally qualified community behavioral health clinic certified
 4 under section 201 of the Helping Families in Mental
 5 Health Crisis Act of 2013, a residential or outpatient men-
 6 tal health or substance abuse treatment facility,”.

7 **SEC. 902. EXTENSION OF ELIGIBILITY FOR MEDICARE AND**
 8 **MEDICAID HEALTH INFORMATION TECH-**
 9 **NOLOGY IMPLEMENTATION ASSISTANCE.**

10 (a) PAYMENT INCENTIVES FOR ELIGIBLE PROFES-
 11 SIONALS UNDER MEDICARE.—Section 1848 of the Social
 12 Security Act (42 U.S.C. 1395w-4) is amended—

13 (1) in subsection (a)(7)—

14 (A) in subparagraph (E), by adding at the
 15 end the following new clause:

16 “(iv) ADDITIONAL ELIGIBLE PROFES-
 17 SIONAL.—The term ‘additional eligible pro-
 18 fessional’ means a clinical psychologist pro-
 19 viding qualified psychologist services (as
 20 defined in section 1861(ii)).”; and

21 (B) by adding at the end the following new
 22 subparagraph:

23 “(F) APPLICATION TO ADDITIONAL ELIGI-
 24 BLE PROFESSIONALS.—The Secretary shall
 25 apply the provisions of this paragraph with re-

1 spect to an additional eligible professional in
2 the same manner as such provisions apply to an
3 eligible professional, except in applying sub-
4 paragraph (A)—

5 “(i) in clause (i), the reference to
6 2015 shall be deemed a reference to 2019;

7 “(ii) in clause (ii), the references to
8 2015, 2016, and 2017 shall be deemed ref-
9 erences to 2019, 2020, and 2021, respec-
10 tively; and

11 “(iii) in clause (iii), the reference to
12 2018 shall be deemed a reference to
13 2022.”; and

14 (2) in subsection (o)—

15 (A) in paragraph (5), by adding at the end
16 the following new subparagraph:

17 “(D) ADDITIONAL ELIGIBLE PROFES-
18 SIONAL.—The term ‘additional eligible profes-
19 sional’ means a clinical psychologist providing
20 qualified psychologist services (as defined in
21 section 1861(ii)).”; and

22 (B) by adding at the end the following new
23 paragraph:

24 “(6) APPLICATION TO ADDITIONAL ELIGIBLE
25 PROFESSIONALS.—The Secretary shall apply the

1 provisions of this subsection with respect to an addi-
2 tional eligible professional in the same manner as
3 such provisions apply to an eligible professional, ex-
4 cept in applying—

5 “(A) paragraph (1)(A)(ii), the reference to
6 2016 shall be deemed a reference to 2020;

7 “(B) paragraph (1)(B)(ii), the references
8 to 2011 and 2012 shall be deemed references to
9 2015 and 2016, respectively;

10 “(C) paragraph (1)(B)(iii), the references
11 to 2013 shall be deemed references to 2017;

12 “(D) paragraph (1)(B)(v), the references
13 to 2014 shall be deemed references to 2018;
14 and

15 “(E) paragraph (1)(E), the reference to
16 2011 shall be deemed a reference to 2015.”.

17 (b) ELIGIBLE HOSPITALS.—Section 1886 of the So-
18 cial Security Act (42 U.S.C. 1395ww) is amended—

19 (1) in subsection (b)(3)(B)(ix), by adding at the
20 end the following new subclause:

21 “(V) The Secretary shall apply
22 the provisions of this subsection with
23 respect to an additional eligible hos-
24 pital (as defined in subsection
25 (n)(6)(C)) in the same manner as

1 such provisions apply to an eligible
2 hospital, except in applying—

3 “(aa) subclause (I), the ref-
4 erences to 2015, 2016, and 2017
5 shall be deemed references to
6 2019, 2020, and 2021, respec-
7 tively; and

8 “(bb) subclause (III), the
9 reference to 2015 shall be
10 deemed a reference to 2019.”;
11 and

12 (2) in subsection (n)—

13 (A) in paragraph (6), by adding at the end
14 the following new subparagraph:

15 “(C) ADDITIONAL ELIGIBLE HOSPITAL.—
16 The term ‘additional eligible hospital’ means an
17 inpatient hospital that is a psychiatric hospital
18 (as defined in section 1861(f)).”; and

19 (B) by adding at the end the following new
20 paragraph:

21 “(7) APPLICATION TO ADDITIONAL ELIGIBLE
22 HOSPITALS.—The Secretary shall apply the provi-
23 sions of this subsection with respect to an additional
24 eligible hospital in the same manner as such provi-

1 sions apply to an eligible hospital, except in apply-
2 ing—

3 “(A) paragraph (2)(E)(ii), the references
4 to 2013 and 2015 shall be deemed references to
5 2017 and 2019, respectively; and

6 “(B) paragraph (2)(G)(i), the reference to
7 2011 shall be deemed a reference to 2015.”.

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

10 (1) in paragraph (2)(B)—

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

13 (B) in clause (ii), by striking the period
14 and inserting a semicolon; and

15 (C) by adding after clause (ii) the following
16 new clauses:

17 “(iii) a public hospital that is prin-
18 cipally a psychiatric hospital (as defined in
19 section 1861(f));

20 “(iv) a private hospital that is prin-
21 cipally a psychiatric hospital (as defined in
22 section 1861(f)) and that has at least 10
23 percent of its patient volume (as estimated
24 in accordance with a methodology estab-
25 lished by the Secretary) attributable to in-

1 individuals receiving medical assistance
2 under this title;

3 “(v) a community mental health cen-
4 ter meeting the criteria specified in section
5 1913(c) of the Public Health Service Act;
6 or

7 “(vi) a residential or outpatient men-
8 tal health or substance abuse treatment fa-
9 cility that—

10 “(I) is accredited by the Joint
11 Commission on Accreditation of
12 Healthcare Organizations, the Com-
13 mission on Accreditation of Rehabili-
14 tation Facilities, the Council on Ac-
15 creditation, or any other national ac-
16 crediting agency recognized by the
17 Secretary; and

18 “(II) has at least 10 percent of
19 its patient volume (as estimated in ac-
20 cordance with a methodology estab-
21 lished by the Secretary) attributable
22 to individuals receiving medical assist-
23 ance under this title.”; and

24 (2) in paragraph (3)(B)—

1 (A) in clause (iv), by striking “and” after
2 the semicolon;

3 (B) in clause (v), by striking the period
4 and inserting “; and”; and

5 (C) by adding at the end the following new
6 clause:

7 “(vi) clinical psychologist providing
8 qualified psychologist services (as defined
9 in section 1861(ii)), if such clinical psy-
10 chologist is practicing in an outpatient
11 clinic that—

12 “(I) is led by a clinical psycholo-
13 gist; and

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

18 (d) MEDICARE ADVANTAGE ORGANIZATIONS.—Sec-
19 tion 1853 of the Social Security Act (42 U.S.C. 1395w-
20 23) is amended—

21 (1) in subsection (l)—

22 (A) in paragraph (1)—

23 (i) by inserting “or additional eligible
24 professionals (as described in paragraph
25 (9))” after “paragraph (2)”; and

1 (ii) by inserting “and additional eligi-
2 ble professionals” before “under such sec-
3 tions”;

4 (B) in paragraph (3)(B)—

5 (i) in clause (i) in the matter pre-
6 ceding subclause (I), by inserting “or an
7 additional eligible professional described in
8 paragraph (9)” after “paragraph (2)”; and

9 (ii) in clause (ii)—

10 (I) in the matter preceding sub-
11 clause (I), by inserting “or an addi-
12 tional eligible professional described in
13 paragraph (9)” after “paragraph
14 (2)”; and

15 (II) in subclause (I), by inserting
16 “or an additional eligible professional,
17 respectively,” after “eligible profes-
18 sional”;

19 (C) in paragraph (3)(C), by inserting “and
20 additional eligible professionals” after “all eligi-
21 ble professionals”;

22 (D) in paragraph (4)(D), by adding at the
23 end the following new sentence: “In the case
24 that a qualifying MA organization attests that
25 not all additional eligible professionals of the

1 organization are meaningful EHR users with
2 respect to an applicable year, the Secretary
3 shall apply the payment adjustment under this
4 paragraph based on the proportion of all such
5 additional eligible professionals of the organiza-
6 tion that are not meaningful EHR users for
7 such year.”;

8 (E) in paragraph (6)(A), by inserting
9 “and, as applicable, each additional eligible pro-
10 fessional described in paragraph (9)” after
11 “paragraph (2)”;

12 (F) in paragraph (6)(B), by inserting
13 “and, as applicable, each additional eligible hos-
14 pital described in paragraph (9)” after “sub-
15 section (m)(1)”;

16 (G) in paragraph (7)(A), by inserting
17 “and, as applicable, additional eligible profes-
18 sionals” after “eligible professionals”;

19 (H) in paragraph (7)(B), by inserting
20 “and, as applicable, additional eligible profes-
21 sionals” after “eligible professionals”;

22 (I) in paragraph (8)(B), by inserting “and
23 additional eligible professionals described in
24 paragraph (9)” after “paragraph (2)”;

1 (J) by adding at the end the following new
2 paragraph:

3 “(9) ADDITIONAL ELIGIBLE PROFESSIONAL DE-
4 SCRIBED.—With respect to a qualifying MA organi-
5 zation, an additional eligible professional described
6 in this paragraph is an additional eligible profes-
7 sional (as defined for purposes of section 1848(o))
8 who—

9 “(A)(i) is employed by the organization; or

10 “(ii)(I) is employed by, or is a partner of,
11 an entity that through contract with the organi-
12 zation furnishes at least 80 percent of the enti-
13 ty’s Medicare patient care services to enrollees
14 of such organization; and

15 “(II) furnishes at least 80 percent of the
16 professional services of the additional eligible
17 professional covered under this title to enrollees
18 of the organization; and

19 “(B) furnishes, on average, at least 20
20 hours per week of patient care services.”; and
21 (2) in subsection (m)—

22 (A) in paragraph (1)—

23 (i) by inserting “or additional eligible
24 hospitals (as described in paragraph (7))”
25 after “paragraph (2)”; and

1 (ii) by inserting “and additional eligi-
2 ble hospitals” before “under such sec-
3 tions”;

4 (B) in paragraph (3)(A)(i), by inserting
5 “or additional eligible hospital” after “eligible
6 hospital”;

7 (C) in paragraph (3)(A)(ii), by inserting
8 “or an additional eligible hospital” after “eligi-
9 ble hospital” in each place it occurs;

10 (D) in paragraph (3)(B)—

11 (i) in clause (i), by inserting “or an
12 additional eligible hospital described in
13 paragraph (7)” after “paragraph (2)”; and

14 (ii) in clause (ii)—

15 (I) in the matter preceding sub-
16 clause (I), by inserting “or an addi-
17 tional eligible hospital described in
18 paragraph (7)” after “paragraph
19 (2)”; and

20 (II) in subclause (I), by inserting
21 “or an additional eligible hospital, re-
22 spectively,” after “eligible hospital”;

23 (E) in paragraph (4)(A), by inserting “or
24 one or more additional eligible hospitals (as de-

1 fined in section 1886(n)), as appropriate,” after
2 “section 1886(n)(6)(A)”;

3 (F) in paragraph (4)(D), by adding at the
4 end the following new sentence: “In the case
5 that a qualifying MA organization attests that
6 not all additional eligible hospitals of the orga-
7 nization are meaningful EHR users with re-
8 spect to an applicable period, the Secretary
9 shall apply the payment adjustment under this
10 paragraph based on the methodology specified
11 by the Secretary, taking into account the pro-
12 portion of such additional eligible hospitals, or
13 discharges from such hospitals, that are not
14 meaningful EHR users for such period.”;

15 (G) in paragraph (5)(A), by inserting
16 “and, as applicable, each additional eligible hos-
17 pital described in paragraph (7)” after “para-
18 graph (2)”;

19 (H) in paragraph (5)(B), by inserting
20 “and additional eligible hospitals, as applica-
21 ble,” after “eligible hospitals”;

22 (I) in paragraph (6)(B), by inserting “and
23 additional eligible hospitals described in para-
24 graph (7)” after “paragraph (2)”; and

1 (J) by adding at the end the following new
2 paragraph:

3 “(7) ADDITIONAL ELIGIBLE HOSPITAL DE-
4 SCRIBED.—With respect to a qualifying MA organi-
5 zation, an additional eligible hospital described in
6 this paragraph is an additional eligible hospital (as
7 defined in section 1886(n)(6)(C)) that is under com-
8 mon corporate governance with such organization
9 and serves individuals enrolled under an MA plan of-
10 fered by such organization.”.

11 **TITLE X—EXPANDING ACCESS**
12 **TO CARE THROUGH HEALTH**
13 **CARE PROFESSIONAL VOL-**
14 **UNTEERISM**

15 **SEC. 1001. LIABILITY PROTECTIONS FOR HEALTH CARE**
16 **PROFESSIONAL VOLUNTEERS AT COMMU-**
17 **NITY HEALTH CENTERS AND FEDERALLY**
18 **QUALIFIED COMMUNITY BEHAVIORAL**
19 **HEALTH CLINICS.**

20 Section 224 of the Public Health Service Act (42
21 U.S.C. 233) is amended by adding at the end the fol-
22 lowing:

23 “(q)(1) In this subsection, the term ‘federally quali-
24 fied community behavioral health clinic’ means—