

114TH CONGRESS  
2D SESSION

# S. 2691

To require the Administrator of the Substance Abuse and Mental Health Services Administration to establish a pilot program for the adoption and use of certified electronic health records technology.

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IN THE SENATE OF THE UNITED STATES

MARCH 16, 2016

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To require the Administrator of the Substance Abuse and Mental Health Services Administration to establish a pilot program for the adoption and use of certified electronic health records technology.

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 “Integrating Behavioral  
5       Health Through Technology Act of 2016”.

6       **SEC. 2. PILOT PROGRAM FOR THE ADOPTION AND USE OF**  
7               **CERTIFIED EHR TECHNOLOGY.**

8       (a) **DEFINITIONS.**—In this section:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Substance  
3           Abuse and Mental Health Services Administration.

4           (2) CERTIFIED EHR TECHNOLOGY.—The term  
5           “certified EHR technology” has the meaning given  
6           such term in section 1848(o)(4) of the Social Secu-  
7           rity Act (42 U.S.C. 1395w-4(o)(4)).

8           (3) ELIGIBLE BEHAVIORAL HEALTH FACIL-  
9           ITY.—The term “eligible behavioral health facility”  
10          means—

11           (A) a public or private hospital that is  
12           principally a psychiatric hospital (as defined in  
13           section 1861(f) of the Social Security Act (42  
14           U.S.C. 1395x(f));

15           (B) a community mental health center (as  
16           described in section 1913(b)(2) of the Public  
17           Health Service Act (42 U.S.C. 300x-2(b)(2)));

18           (C) a residential or outpatient mental  
19           health treatment facility that is accredited by  
20           the Joint Commission on Accreditation of  
21           Healthcare Organizations, the Commission on  
22           Accreditation of Rehabilitation Facilities, the  
23           Council on Accreditation, or any other national  
24           accrediting agency recognized by the Secretary  
25           of Health and Human Services; and

1 (D) a substance abuse treatment facility  
2 that is accredited by the Joint Commission on  
3 Accreditation of Healthcare Organizations, the  
4 Commission on Accreditation of Rehabilitation  
5 Facilities, the Council on Accreditation, or any  
6 other national accrediting agency recognized by  
7 the Secretary of Health and Human Services.

8 (4) ELIGIBLE PROFESSIONAL.—The term “eli-  
9 gible professional” means—

10 (A) a clinical psychologist providing quali-  
11 fied psychologist services (as defined in section  
12 1861(ii) of the Social Security Act (42 U.S.C.  
13 1395x(ii)); or

14 (B) a clinical social worker (as defined in  
15 section 1861(hh)(1) of the Social Security Act).

16 (b) ESTABLISHMENT.—The Administrator, in con-  
17 sultation with the Director of the Office of the National  
18 Coordinator for Health Information Technology, shall es-  
19 tablish a pilot program in up to 5 States under which in-  
20 centive payments may be made to eligible professionals  
21 and eligible behavioral health facilities for the adoption  
22 and use of certified EHR technology.

23 (c) PROGRAM REQUIREMENTS.—

24 (1) SELECTION.—When selecting States for the  
25 pilot program established under this section, the Ad-

1 administrator shall give preference to States that have  
2 a Statewide health information exchange that in-  
3 cludes behavioral health data.

4 (2) ADOPTION AND USE OF CERTIFIED EHR  
5 TECHNOLOGY.—To qualify to receive incentive pay-  
6 ments under the pilot program established under  
7 this section, an eligible professional or eligible behav-  
8 ioral health facility shall demonstrate, through an  
9 attestation or other means specified by the Adminis-  
10 trator, that the professional or behavioral health fa-  
11 cility—

12 (A) has adopted certified EHR technology;

13 and

14 (B) in the case that such professional or  
15 facility operates in a State or region with a  
16 State or regional health information exchange,  
17 participates in such health information ex-  
18 change.

19 (3) PAYMENTS.—The Administrator shall make  
20 incentive payments to at least one type of eligible  
21 professional listed in subparagraphs (A) and (B) of  
22 subsection (a)(4) and at least one type of eligible be-  
23 havioral health facility listed in subparagraphs (A)  
24 through (D) of subsection (a)(3) in each State se-  
25 lected for the pilot program established under this

1 section. The amount of incentive payments to eligi-  
2 ble professionals and eligible behavioral health facili-  
3 ties under the pilot program may be comparable to  
4 the payment amounts under section 1848(o) of the  
5 Social Security Act (42 U.S.C. 1395w-4(o)) and  
6 section 1886 of such Act (42 U.S.C. 1395ww).

7 (d) DURATION.—The pilot program established  
8 under this section shall be conducted for a period not to  
9 exceed 5 years.

10 (e) REPORT.—Not later than 18 months after the  
11 conclusion of the pilot program established under this sec-  
12 tion, the Administrator shall submit a report to relevant  
13 committees of Congress that includes—

14 (1) an evaluation of the effectiveness of the  
15 pilot program in encouraging adoption of certified  
16 EHR technology by eligible professionals and eligible  
17 behavioral health facilities and in the exchange of  
18 behavioral health information;

19 (2) a description of best practices for the adop-  
20 tion and use of certified EHR technology by eligible  
21 professionals and eligible behavioral health facilities;  
22 and

23 (3) recommendations for increasing the percent-  
24 age of eligible professionals and eligible behavioral  
25 health facilities nationally that adopt certified EHR

1        technology and exchange behavioral health informa-  
2        tion.

3        (f) AUTHORIZATION OF APPROPRIATIONS.—There  
4        are authorized to be appropriated such sums as may be  
5        necessary for the period of fiscal years 2017 through 2022  
6        to carry out the pilot program under this section, to re-  
7        main available for the duration of the pilot program.

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