

113TH CONGRESS
2D SESSION

H. R. 4574

To maximize the access of individuals with mental illness to community-based services, to strengthen the impact of such services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2014

Mr. BARBER (for himself, Ms. DEGETTE, Mr. TONKO, Ms. MATSUI, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Judiciary, Armed Services, Veterans' Affairs, Education and the Workforce, and Natural Resources, 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 maximize the access of individuals with mental illness to community-based services, to strengthen the impact of such services, 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 “Strengthening Mental Health in Our Communities Act
6 of 2014”.

1 this section may be used for purposes described in
 2 subsection (i) (relating to veterans).”.

3 **TITLE VIII—BEHAVIORAL**
 4 **HEALTH INFORMATION TECH-**
 5 **NOLOGY**

6 **SEC. 801. EXTENSION OF HEALTH INFORMATION TECH-**
 7 **NOLOGY ASSISTANCE FOR BEHAVIORAL AND**
 8 **MENTAL HEALTH AND SUBSTANCE ABUSE.**

9 Section 3000(3) of the Public Health Service Act (42
 10 U.S.C. 300jj(3)) is amended by inserting before “and any
 11 other category” the following: “behavioral and mental
 12 health professionals (as defined in section
 13 331(a)(3)(E)(i)), a substance abuse professional, a psy-
 14 chiatric hospital (as defined in section 1861(f) of the So-
 15 cial Security Act), a community mental health center
 16 meeting the criteria specified in section 1913(c), a residen-
 17 tial or outpatient mental health or substance abuse treat-
 18 ment facility,”.

19 **SEC. 802. EXTENSION OF ELIGIBILITY FOR MEDICARE AND**
 20 **MEDICAID HEALTH INFORMATION TECH-**
 21 **NOLOGY IMPLEMENTATION ASSISTANCE.**

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

25 (1) in subsection (a)(7)—

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

3 “(iv) ADDITIONAL ELIGIBLE PROFES-
4 SIONAL.—The term ‘additional eligible pro-
5 fessional’ means a clinical psychologist pro-
6 viding qualified psychologist services (as
7 defined in section 1861(ii)).”; and

8 (B) by adding at the end the following new
9 subparagraph:

10 “(F) APPLICATION TO ADDITIONAL ELIGI-
11 BLE PROFESSIONALS.—The Secretary shall
12 apply the provisions of this paragraph with re-
13 spect to an additional eligible professional in
14 the same manner as such provisions apply to an
15 eligible professional, except in applying sub-
16 paragraph (A)—

17 “(i) in clause (i), the reference to
18 2015 shall be deemed a reference to 2019;

19 “(ii) in clause (ii), the references to
20 2015, 2016, and 2017 shall be deemed ref-
21 erences to 2019, 2020, and 2021, respec-
22 tively; and

23 “(iii) in clause (iii), the reference to
24 2018 shall be deemed a reference to
25 2022.”; and

1 (2) in subsection (o)—

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

4 “(D) ADDITIONAL ELIGIBLE PROFES-
5 SIONAL.—The term ‘additional eligible profes-
6 sional’ means a clinical psychologist providing
7 qualified psychologist services (as defined in
8 section 1861(ii)).”; and

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

11 “(6) APPLICATION TO ADDITIONAL ELIGIBLE
12 PROFESSIONALS.—The Secretary shall apply the
13 provisions of this subsection with respect to an addi-
14 tional eligible professional in the same manner as
15 such provisions apply to an eligible professional, ex-
16 cept in applying—

17 “(A) paragraph (1)(A)(ii), the reference to
18 2016 shall be deemed a reference to 2020;

19 “(B) paragraph (1)(B)(ii), the references
20 to 2011 and 2012 shall be deemed references to
21 2015 and 2016, respectively;

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

1 “(D) paragraph (1)(B)(v), the references
2 to 2014 shall be deemed references to 2018;
3 and

4 “(E) paragraph (1)(E), the reference to
5 2011 shall be deemed a reference to 2015.”.

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

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

10 “(V) The Secretary shall apply
11 the provisions of this subsection with
12 respect to an additional eligible hos-
13 pital (as defined in subsection
14 (n)(6)(C)) in the same manner as
15 such provisions apply to an eligible
16 hospital, except in applying—

17 “(aa) subclause (I), the ref-
18 erences to 2015, 2016, and 2017
19 shall be deemed references to
20 2019, 2020, and 2021, respec-
21 tively; and

22 “(bb) subclause (III), the
23 reference to 2015 shall be
24 deemed a reference to 2019.”;
25 and

1 (2) in subsection (n)—

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

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

8 (B) by adding at the end the following new
9 paragraph:

10 “(7) APPLICATION TO ADDITIONAL ELIGIBLE
11 HOSPITALS.—The Secretary shall apply the provi-
12 sions of this subsection with respect to an additional
13 eligible hospital in the same manner as such provi-
14 sions apply to an eligible hospital, except in applying
15 paragraph (2)—

16 “(A) the Secretary shall adjust the base
17 amount specified in subparagraph (B) of such
18 paragraph, in a manner specified by the Sec-
19 retary, to reflect the smaller size of such addi-
20 tional eligible hospitals relative to eligible hos-
21 pitals;

22 “(B) the Secretary shall adjust the dis-
23 charge related amount specified in subpara-
24 graph (C) of such paragraph for each 12-month
25 period selected by the Secretary under such

1 subparagraph, in a manner specified by the
2 Secretary, to reflect the smaller size such addi-
3 tional hospitals relative to eligible hospitals, in-
4 cluding by adjusting the ranges of discharges
5 specified in such subparagraph and the amount
6 specified in such subparagraph for each dis-
7 charge within such a specified range;

8 “(C) the references in subparagraph
9 (E)(ii) of such paragraph to 2013 and 2015
10 shall be deemed references to 2017 and 2019,
11 respectively; and

12 “(D) the reference in subparagraph (G)(i)
13 of such paragraph to 2011 shall be deemed a
14 reference to 2015.”.

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

17 (1) in paragraph (2)(B)—

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

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

22 (C) by adding after clause (ii) the following
23 new clauses:

1 “(iii) a public hospital that is prin-
2 cipally a psychiatric hospital (as defined in
3 section 1861(f));

4 “(iv) a private hospital that is prin-
5 cipally a psychiatric hospital (as defined in
6 section 1861(f)) and that has at least 10
7 percent of its patient volume (as estimated
8 in accordance with a methodology estab-
9 lished by the Secretary) attributable to in-
10 dividuals receiving medical assistance
11 under this title;

12 “(v) a community mental health cen-
13 ter meeting the criteria specified in section
14 1913(c) of the Public Health Service Act;
15 or

16 “(vi) a residential or outpatient men-
17 tal health or substance abuse treatment fa-
18 cility that—

19 “(I) is accredited by the Joint
20 Commission on Accreditation of
21 Healthcare Organizations, the Com-
22 mission on Accreditation of Rehabili-
23 tation Facilities, the Council on Ac-
24 creditation, or any other national ac-

1 crediting agency recognized by the
2 Secretary; and

3 “(II) has at least 10 percent of
4 its patient volume (as estimated in ac-
5 cordance with a methodology estab-
6 lished by the Secretary) attributable
7 to individuals receiving medical assist-
8 ance under this title.”;

9 (2) in paragraph (3)(B)—

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

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

14 (C) by adding at the end the following new
15 clause:

16 “(vi) clinical psychologist providing
17 qualified psychologist services (as defined
18 in section 1861(ii)), if such clinical psy-
19 chologist is practicing in an outpatient
20 clinic that—

21 “(I) is led by a clinical psycholo-
22 gist; and

23 “(II) is not otherwise receiving
24 payment under paragraph (1) as a

1 Medicaid provider described in para-
2 graph (2)(B).”; and

3 (3) in paragraph (5)(B), by adding at the end
4 the following new sentence: “For purposes of this
5 subparagraph in computing the amounts under sec-
6 tion 1886(n)(2)(C) for payment years after 2015,
7 with respect to a Medicaid provider described in
8 clause (iii), (iv), (v), or (vi) of paragraph (2)(B), in
9 order to reflect the smaller size of Medicaid pro-
10 viders described in such clauses relative to Medicaid
11 providers described in clauses (i) and (ii) of such
12 paragraph (2)(B), the Secretary shall, in a manner
13 specified by the Secretary, adjust the base amount
14 specified in subparagraph (B) of section 1886(n)(2)
15 and the discharge related amount calculated under
16 subparagraph (C) of such section, including by ad-
17 justing the ranges of discharges specified in such
18 subparagraph (C) and the amount specified in such
19 subparagraph (C) for each discharge within such a
20 specified range.”.

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

24 (1) in subsection (l)—

25 (A) in paragraph (1)—

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

4 (ii) by inserting “and additional eligi-
5 ble professionals” before “under such sec-
6 tions”;

7 (B) in paragraph (3)(B)—

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

12 (ii) in clause (ii)—

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

18 (II) in subclause (I), by inserting
19 “or an additional eligible professional,
20 respectively,” after “eligible profes-
21 sional”;

22 (C) in paragraph (3)(C), by inserting “and
23 additional eligible professionals” after “all eligi-
24 ble professionals”;

1 (D) in paragraph (4)(D), by adding at the
2 end the following new sentence: “In the case
3 that a qualifying MA organization attests that
4 not all additional eligible professionals of the
5 organization are meaningful EHR users with
6 respect to an applicable year, the Secretary
7 shall apply the payment adjustment under this
8 paragraph based on the proportion of all such
9 additional eligible professionals of the organiza-
10 tion that are not meaningful EHR users for
11 such year.”;

12 (E) in paragraph (6)(A), by inserting
13 “and, as applicable, each additional eligible pro-
14 fessional described in paragraph (9)” after
15 “paragraph (2)”;

16 (F) in paragraph (6)(B), by inserting
17 “and, as applicable, each additional eligible hos-
18 pital described in paragraph (9)” after “sub-
19 section (m)(1)”;

20 (G) in paragraph (7)(A), by inserting
21 “and, as applicable, additional eligible profes-
22 sionals” after “eligible professionals”;

23 (H) in paragraph (7)(B), by inserting
24 “and, as applicable, additional eligible profes-
25 sionals” after “eligible professionals”;

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

4 (J) by adding at the end the following new
5 paragraph:

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

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

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

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

22 “(B) furnishes, on average, at least 20
23 hours per week of patient care services.”; and

24 (2) in subsection (m)—

25 (A) in paragraph (1)—

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

4 (ii) by inserting “and additional eligi-
5 ble hospitals” before “under such sec-
6 tions”;

7 (B) in paragraph (3)(A)(i), by inserting
8 “or additional eligible hospital” after “eligible
9 hospital”;

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

13 (D) in paragraph (3)(B)—

14 (i) in clause (i), by inserting “or an
15 additional eligible hospital described in
16 paragraph (7)” after “paragraph (2)”; and

17 (ii) in clause (ii)—

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

23 (II) in subclause (I), by inserting
24 “or an additional eligible hospital, re-
25 spectively,” after “eligible hospital”;

1 (E) in paragraph (4)(A), by inserting “or
2 one or more additional eligible hospitals (as de-
3 fined in section 1886(n)), as appropriate,” after
4 “section 1886(n)(6)(A)”;

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

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

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

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

4 (J) by adding at the end the following new
 5 paragraph:

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

14 **TITLE IX—SERVICEMEMBERS**
 15 **AND VETERANS MENTAL**
 16 **HEALTH**

17 **SEC. 901. PRELIMINARY MENTAL HEALTH ASSESSMENTS.**

18 (a) IN GENERAL.—Chapter 31 of title 10, United
 19 States Code, is amended by adding at the end the fol-
 20 lowing new section:

21 **“SEC. 520d. PRELIMINARY MENTAL HEALTH ASSESSMENTS.**

22 **“(a) PROVISION OF MENTAL HEALTH ASSESS-**
 23 **MENT.—**Before any individual enlists in an Armed Force
 24 or is commissioned as an officer in an Armed Force, the
 25 Secretary concerned shall provide the individual with a