

115TH CONGRESS
2D SESSION

H. R. 5594

To amend the Controlled Substances Act to clarify the eligibility of certain community mental health centers to register for purposes of the practice of telemedicine, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2018

Mr. HARPER (for himself and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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 amend the Controlled Substances Act to clarify the eligibility of certain community mental health centers to register for purposes of the practice of telemedicine, 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.**

4 This Act may be cited as the “Improving Access to
5 Remote Behavioral Health Treatment Act of 2018”.

1 **SEC. 2. REGISTRATION OF QUALIFIED COMMUNITY MEN-**
2 **TAL HEALTH CENTERS.**

3 (a) DEFINITIONS.—Section 102 of the Controlled
4 Substances Act (21 U.S.C. 802) is amended—

5 (1) by striking paragraph (54)(A)(i) and insert-
6 ing the following:

7 “(i) while the patient is being treated by,
8 and physically located in—

9 “(I) a hospital or clinic registered
10 under section 303(f); or

11 “(II) a qualified community mental
12 health center registered under section
13 303(l); and”; and

14 (2) by adding at the end the following:

15 “(57) The term ‘qualified community mental health
16 center’ means a facility that—

17 “(A)(i) meets the criteria specified in section
18 1913(e) of the Public Health Service Act to be con-
19 sidered a community mental health center; or

20 “(ii) meets the criteria specified pursuant to
21 section 223 of the Protecting Access to Medicare Act
22 of 2014 to be considered a certified community be-
23 havioral health clinic; and

24 “(B) is licensed, operated, authorized, certified,
25 or otherwise recognized by a State government.”.

1 (b) REGISTRATION.—Section 303 of the Controlled
2 Substances Act (21 U.S.C. 823) is amended by adding at
3 the end the following:

4 “(1) QUALIFIED COMMUNITY MENTAL HEALTH CEN-
5 TERS.—

6 “(1) REGISTRATION.—The Attorney General
7 shall register qualified community mental health
8 centers to administer controlled substances through
9 the practice of telemedicine.

10 “(2) DENIAL OF APPLICATIONS.—The Attorney
11 General may deny an application for registration
12 under paragraph (1) if the Attorney General deter-
13 mines that the registration would be inconsistent
14 with the public interest after considering—

15 “(A) any recommendation by the licensing
16 board or professional disciplinary authority of
17 the State in which the applicant is located;

18 “(B) the experience of the applicant in
19 treating patients;

20 “(C) any conviction of an employee of the
21 applicant under Federal or State law relating to
22 treatment of patients;

23 “(D) the compliance of the applicant with
24 applicable Federal, State, or local laws relating
25 to treatment of patients; and

1 “(E) any other conduct by the applicant
2 that may threaten the public’s health and safe-
3 ty.”.

4 (c) REPORT TO CONGRESS.—Not later than 60 days
5 after the date of enactment of this Act, the Attorney Gen-
6 eral of the United States shall submit to the Congress a
7 plan for implementation of the amendments made by sub-
8 sections (a) and (b).

9 (d) DELAYED APPLICABILITY.—The amendments
10 made by subsections (a) and (b) apply beginning on the
11 date that is 120 days after the date of enactment of this
12 Act.

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