

118TH CONGRESS
2D SESSION

H. R. 8458

To amend title XVIII of the Social Security Act to expand access to psychological and behavioral services.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2024

Ms. MALLIOTAKIS (for herself, Ms. CHU, Mr. PFLUGER, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 title XVIII of the Social Security Act to expand access to psychological and behavioral services.

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 “Increasing Mental
5 Health Options Act of 2024”.

1 **SEC. 2. EXPANDING ELIGIBILITY FOR INCENTIVES TO**
2 **PRACTICE IN RURAL AND UNDERSERVED**
3 **AREAS.**

4 Section 1833(m) of the Social Security Act (42
5 U.S.C. 1395l(m)) is amended—

6 (1) in paragraph (1)—

7 (A) by inserting “(A)” before “In the
8 case”; and

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

11 “(B) In the case of services furnished by a clinical
12 psychologist (as defined by the Secretary for purposes of
13 section 1861(ii)) in a year (beginning with 2025) to an
14 individual, who is covered under the insurance program
15 established by this part and who incurs expenses for such
16 services, in an area that is designated (under section
17 332(a)(1)(A) of the Public Health Service Act) as a health
18 professional shortage area as identified by the Secretary
19 prior to the beginning of such year, in addition to the
20 amount otherwise paid under this part, there also shall
21 be paid to the clinical psychologist (or to an employer or
22 facility in the cases described in clause (A) of section
23 1842(b)(6)) (on a monthly or quarterly basis) from the
24 Federal Supplementary Medical Insurance Trust Fund an
25 amount equal to 10 percent of the payment amount for
26 the service under this part”; and

1 (2) in paragraph (2), by inserting “or clinical
2 psychologist” after “physician”.

3 **SEC. 3. ELIMINATING UNNECESSARY OVERSIGHT AND AP-**
4 **PROVAL REQUIREMENTS FOR BEHAVIORAL**
5 **HEALTH SERVICES PROVIDED BY CLINICAL**
6 **PSYCHOLOGISTS.**

7 (a) COMPREHENSIVE OUTPATIENT REHABILITATION
8 FACILITIES.—Section 1835(a)(2)(E)(iii) of the Social Se-
9 curity Act (42 U.S.C. 1395n(a)(2)(E)(iii)) is amended by
10 inserting “, except that an individual receiving qualified
11 psychologist services as described in section 1861(ii) may
12 be under the care of a clinical psychologist with respect
13 to such services to the extent authorized under State law”
14 before the semicolon.

15 (b) SKILLED NURSING FACILITIES.—Section
16 1819(b) of such Act (42 U.S.C. 1395i–3(b)) is amended—

17 (1) in paragraph (5)(G), by inserting “clinical
18 psychologist,” after “nurse practitioner,”; and

19 (2) in paragraph (6)(A), by inserting “, except
20 that a resident receiving qualified psychologist serv-
21 ices as described in section 1861(ii) may be under
22 the supervision of a clinical psychologist with respect
23 to such services to the extent authorized under State
24 law” before the semicolon.

25 (c) PARTIAL HOSPITALIZATION SERVICES.—

1 (1) Section 1835(a)(2)(F)(iii) of the Social Se-
2 curity Act (42 U.S.C. 1395n(a)(2)(F)(iii)) is amend-
3 ed by inserting “, except that an individual receiving
4 qualified psychologist services as described in section
5 1861(ii) may be under the care of a clinical psychol-
6 ogist with respect to such services to the extent au-
7 thorized under State law” before the period.

8 (2) Section 1861(ff)(1) of such Act (42 U.S.C.
9 1395x(ff)(1)) is amended by inserting “(or, in the
10 case of qualified psychologist services, under the su-
11 pervision of a clinical psychologist to the extent au-
12 thorized under State law)” after “under the super-
13 vision of a physician”.

14 (d) HOME HEALTH SERVICES.—

15 (1) Section 1861(m) of such Act (42 U.S.C.
16 1395x(m)) is amended—

17 (A) in paragraph (6), by striking “and” at
18 the end;

19 (B) in paragraph (7), by inserting “and”
20 after the semicolon; and

21 (C) by inserting after paragraph (7) the
22 following new paragraph:

23 “(8) an individual receiving qualified psycholo-
24 gist services may be under the care of a clinical psy-

1 chologist with respect to such services to the extent
2 authorized under State law;”.

3 (2) Section 1891(a)(3)(F) of such Act (42
4 U.S.C. 1395bbb(a)(3)(F)) is amended by inserting
5 “clinical psychologist,” after “physician,”.

6 (e) INPATIENT PSYCHIATRIC HOSPITAL SERVICES.—
7 Section 1814(a)(2)(A) of such Act (42 U.S.C.
8 1395f(a)(2)(A)) is amended by inserting “(or, in the case
9 of qualified psychologist services, under the supervision of
10 a clinical psychologist to the extent authorized under State
11 law)” after “under the supervision of a physician”.

12 (f) RULE OF CONSTRUCTION.—In accordance with
13 section 410.71(e) of title 42, Code of Federal Regulations
14 (or any successor regulation), nothing in the provisions of,
15 and amendments made by, this section shall be construed
16 as changing or eliminating existing requirements regard-
17 ing clinical consultation by clinical psychologists with a
18 beneficiary’s physician, in accordance with accepted pro-
19 fessional ethical norms and taking into consideration pa-
20 tient confidentiality.

21 (g) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to services furnished on or after
23 January 1, 2025.

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