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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

# H. R. \_\_\_\_\_

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.

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## IN THE HOUSE OF REPRESENTATIVES

M\_\_\_\_. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# 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”;

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.