

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 945
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Mental Health Access
3 Improvement Act of 2020”.

**4 SEC. 2. COVERAGE OF MARRIAGE AND FAMILY THERAPIST
5 SERVICES AND MENTAL HEALTH COUNSELOR
6 SERVICES UNDER PART B OF THE MEDICARE
7 PROGRAM.**

8 (a) COVERAGE OF SERVICES.—

9 (1) IN GENERAL.—Section 1861(s)(2) of the
10 Social Security Act (42 U.S.C. 1395x(s)(2)) is
11 amended—

12 (A) in subparagraph (GG), by striking
13 “and” after the semicolon at the end;

14 (B) in subparagraph (HH), by inserting
15 “and” after the semicolon at the end; and

16 (C) by adding at the end the following new
17 subparagraph:

1 “(II) marriage and family therapist services (as
2 defined in subsection (kkk)(1)) and mental health
3 counselor services (as defined in subsection
4 (kkk)(3));”.

5 (2) DEFINITIONS.—Section 1861 of the Social
6 Security Act (42 U.S.C. 1395x) is amended by add-
7 ing at the end the following new subsection:

8 “(kkk) MARRIAGE AND FAMILY THERAPIST SERV-
9 ICES; MARRIAGE AND FAMILY THERAPIST; MENTAL
10 HEALTH COUNSELOR SERVICES; MENTAL HEALTH
11 COUNSELOR.—

12 “(1) MARRIAGE AND FAMILY THERAPIST SERV-
13 ICES.—The term ‘marriage and family therapist
14 services’ means services (specified by the Secretary
15 through rulemaking) that are performed by a mar-
16 riage and family therapist (as defined in paragraph
17 (2)) for the diagnosis and treatment of mental ill-
18 nesses (other than services furnished to an inpatient
19 of a hospital), which the marriage and family thera-
20 pist is legally authorized to perform under State law
21 (or the State regulatory mechanism provided by
22 State law) of the State in which such services are
23 performed, as would otherwise be covered if fur-
24 nished by a physician or as an incident to a physi-
25 cian’s professional service.

1 “(2) MARRIAGE AND FAMILY THERAPIST.—The
2 term ‘marriage and family therapist’ means an indi-
3 vidual who—

4 “(A) possesses a master’s or doctoral de-
5 gree which qualifies for licensure or certification
6 as a marriage and family therapist pursuant to
7 State law;

8 “(B) after obtaining such degree has per-
9 formed at least 2 years of clinical supervised ex-
10 perience in marriage and family therapy; and

11 “(C) in the case of an individual per-
12 forming services in a State that provides for li-
13 censure or certification of marriage and family
14 therapists, is licensed or certified as a marriage
15 and family therapist in such State.

16 “(3) MENTAL HEALTH COUNSELOR SERV-
17 ICES.—The term ‘mental health counselor services’
18 means services (specified by the Secretary through
19 rulemaking) that are performed by a mental health
20 counselor (as defined in paragraph (4)) for the diag-
21 nosis and treatment of mental illnesses (other than
22 services furnished to an inpatient of a hospital)
23 which the mental health counselor is legally author-
24 ized to perform under State law (or the State regu-
25 latory mechanism provided by the State law) of the

1 State in which such services are performed, as would
2 otherwise be covered if furnished by a physician or
3 as incident to a physician's professional service.

4 “(4) MENTAL HEALTH COUNSELOR.—The term
5 ‘mental health counselor’ means an individual who—

6 “(A) possesses a master's or doctor's de-
7 gree in mental health counseling or a related
8 field;

9 “(B) after obtaining such a degree has
10 performed at least 2 years of supervised mental
11 health counselor practice; and

12 “(C) in the case of an individual per-
13 forming services in a State that provides for li-
14 censure or certification of mental health coun-
15 selors or professional counselors, is licensed or
16 certified as a mental health counselor or profes-
17 sional counselor in such State.”.

18 (3) PROVISION FOR PAYMENT UNDER PART
19 B.—Section 1832(a)(2)(B) of the Social Security
20 Act (42 U.S.C. 1395k(a)(2)(B)) is amended by add-
21 ing at the end the following new clause:

22 “(v) marriage and family therapist
23 services (as defined in section
24 1861(kkk)(1)) and mental health counselor

1 services (as defined in section
2 1861(kkk)(3));”.

3 (4) AMOUNT OF PAYMENT.—Section 1833(a)(1)
4 of the Social Security Act (42 U.S.C. 1395l(a)(1))
5 is amended—

6 (A) by striking “and (DD)” and inserting
7 “(DD)”; and

8 (B) by inserting before the semicolon at
9 the end the following: “, and (EE) with respect
10 to marriage and family therapist services and
11 mental health counselor services under section
12 1861(s)(2)(II), the amounts paid shall be 80
13 percent of the lesser of the actual charge for
14 the services or 75 percent of the amount deter-
15 mined for payment of a psychologist under sub-
16 paragraph (L)”.

17 (5) INCLUSION OF MARRIAGE AND FAMILY
18 THERAPISTS AND MENTAL HEALTH COUNSELORS AS
19 PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Sec-
20 tion 1842(b)(18)(C) of the Social Security Act (42
21 U.S.C. 1395u(b)(18)(C)) is amended by adding at
22 the end the following new clauses:

23 “(vii) A marriage and family therapist (as de-
24 fined in section 1861(kkk)(2)).

1 “(viii) A mental health counselor (as defined in
2 section 1861(kkk)(4)).”.

3 (b) COVERAGE OF CERTAIN MENTAL HEALTH SERV-
4 ICES PROVIDED IN RURAL HEALTH CLINICS AND FEDER-
5 ALLY QUALIFIED HEALTH CENTERS.—Section
6 1861(aa)(1)(B) of the Social Security Act (42 U.S.C.
7 1395x(aa)(1)(B)) is amended by striking “or by a clinical
8 social worker (as defined in subsection (hh)(1))” and in-
9 serting “, by a clinical social worker (as defined in sub-
10 section (hh)(1)), by a marriage and family therapist (as
11 defined in subsection (kkk)(2)), or by a mental health
12 counselor (as defined in subsection (kkk)(4))”.

13 (c) STUDY AND REPORT.—Not later than January
14 1, 2026, the Secretary of Health and Human Services
15 shall conduct a study and submit to the Committee on
16 Energy and Commerce and Ways and Means of the House
17 of Representatives and the Committee on Finance of the
18 Senate a report containing—

19 (1) the impact of the amendments made by this
20 section on access to, quality of, and the cost of men-
21 tal health services for Medicare beneficiaries;

22 (2) the impact of the amendments made by this
23 section on clinical outcomes and the unmet mental
24 health needs of Medicare beneficiaries;

1 (3) the types of services provided pursuant to
2 amendments made by this section;

3 (4) the care settings of services provided pursu-
4 ant to amendments made by this section;

5 (5) an analysis of—

6 (A) mental health services covered under
7 title XVIII of the Social Security Act before the
8 enactment of this Act received by Medicare
9 beneficiaries who, during the same calendar
10 year, receive—

11 (i) such mental health services; and

12 (ii) services provided pursuant to
13 amendments made by this section; and

14 (B) the intensity of such mental health
15 services; and

16 (6) a comparison of the access to practitioners
17 providing services pursuant to amendments made by
18 this section for Medicare beneficiaries located in
19 frontier, rural, and urban areas, including an evalua-
20 tion of how such services furnished to Medicare
21 beneficiaries so located impact—

22 (A) the furnishing of mental health serv-
23 ices covered under such title XVIII before the
24 enactment of this Act as telehealth services (as

1 defined in section 1834(m)(4)(F)(i) of such Act
2 (42 U.S.C. 1395m(m)(4)(F)(i)); and

3 (B) the patient volume of other mental
4 health providers providing services covered
5 under such title XVIII, particularly in rural and
6 frontier areas.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to services furnished
9 on or after January 1, 2023.

