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.

_________________

IN THE HOUSE OF REPRESENTATIVES

M. __________ introduced the following bill; which was referred to the Committee on __________________

_________________

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”.

(Original Signature of Member)
SEC. 2. REGISTRATION OF QUALIFIED COMMUNITY MENTAL HEALTH CENTERS.

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

(1) by striking paragraph (54)(A)(i) and inserting the following:

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

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

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

(2) by adding at the end the following:

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

“(A)(i) meets the criteria specified in section 1913(c) of the Public Health Service Act to be considered a community mental health center; or

“(ii) meets the criteria specified pursuant to section 223 of the Protecting Access to Medicare Act of 2014 to be considered a certified community behavioral health clinic; and

“(B) is licensed, operated, authorized, certified, or otherwise recognized by a State government.”.”
(b) Registration.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

“(l) Qualified Community Mental Health Centers.—

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

“(2) Denial of Applications.—The Attorney General may deny an application for registration under paragraph (1) if the Attorney General determines that the registration would be inconsistent with the public interest after considering—

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

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

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

“(D) the compliance of the applicant with applicable Federal, State, or local laws relating to treatment of patients; and
“(E) any other conduct by the applicant that may threaten the public’s health and safety.”.

(e) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Attorney General of the United States shall submit to the Congress a plan for implementation of the amendments made by subsections (a) and (b).

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