

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. BROWN (for himself, Ms. COLLINS, Mr. HEINRICH, and Mr. MULLIN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **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 2023”.

6 **SEC. 2. EXPANDING ELIGIBILITY FOR INCENTIVES TO**  
7 **PRACTICE IN RURAL AND UNDERSERVED**  
8 **AREAS.**

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

1 (1) in paragraph (1)—

2 (A) by inserting “(A)” before “In the  
3 case”; and

4 (B) by adding at the end the following new  
5 subparagraph:

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

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

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

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

13 (b) **SKILLED NURSING FACILITIES.**—Section  
14 1819(b) of such Act (42 U.S.C. 1395i–3(b)) is amended—

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

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

23 (c) **PARTIAL HOSPITALIZATION SERVICES.**—

24 (1) Section 1835(a)(2)(F)(iii) of the Social Se-  
25 curity Act (42 U.S.C. 1395n(a)(2)(F)(iii)) is amend-  
26 ed by inserting “, except that an individual receiving

1 qualified psychologist services as described in section  
2 1861(ii) may be under the care of a clinical psychol-  
3 ologist with respect to such services to the extent au-  
4 thorized under State law” before the period.

5 (2) Section 1861(ff)(1) of such Act (42 U.S.C.  
6 1395x(ff)(1)) is amended by inserting “(or, in the  
7 case of qualified psychologist services, under the su-  
8 pervision of a clinical psychologist to the extent au-  
9 thorized under State law)” after “under the super-  
10 vision of a physician”.

11 (d) HOME HEALTH SERVICES.—

12 (1) Section 1861(m) of such Act (42 U.S.C.  
13 1395x(m)) is amended—

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

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

18 (C) by inserting after paragraph (7) the  
19 following new paragraph:

20 “(8) an individual receiving qualified psycholo-  
21 gist services may be under the care of a clinical psy-  
22 chologist with respect to such services to the extent  
23 authorized under State law;”.

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

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

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

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