

S.L.C. 

AMENDMENT NO. 1 Calendar No. \_\_\_\_\_

Purpose: To establish a pilot program for the adoption and use of certified electronic health records technology.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

(no.) \_\_\_\_\_

(title) Mental Health Reform Act

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WHITEHOUSE

Viz:

1 In title IV, insert after section 406 the following:

2 **SEC. 407. INTEGRATING BEHAVIORAL HEALTH THROUGH**  
3 **TECHNOLOGY.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADMINISTRATOR.—The term “Adminis-  
6 trator” means the Administrator of the Substance  
7 Abuse and Mental Health Services Administration.

8 (2) CERTIFIED EHR TECHNOLOGY.—The term  
9 “certified EHR technology” has the meaning given  
10 such term in section 1848(o)(4) of the Social Secu-  
11 rity Act (42 U.S.C. 1395w-4(o)(4)).

1           (3) ELIGIBLE BEHAVIORAL HEALTH FACIL-  
2           ITY.—The term “eligible behavioral health facility”  
3           means—

4                   (A) a public or private hospital that is  
5                   principally a psychiatric hospital (as defined in  
6                   section 1861(f) of the Social Security Act (42  
7                   U.S.C. 1395x(f));

8                   (B) a community mental health center (as  
9                   described in section 1913(b)(2) of the Public  
10                   Health Service Act (42 U.S.C. 300x-2(b)(2)));

11                   (C) a residential or outpatient mental  
12                   health treatment facility that is accredited by  
13                   the Joint Commission on Accreditation of  
14                   Healthcare Organizations, the Commission on  
15                   Accreditation of Rehabilitation Facilities, the  
16                   Council on Accreditation, or any other national  
17                   accrediting agency recognized by the Secretary  
18                   of Health and Human Services; and

19                   (D) a substance abuse treatment facility  
20                   that is accredited by the Joint Commission on  
21                   Accreditation of Healthcare Organizations, the  
22                   Commission on Accreditation of Rehabilitation  
23                   Facilities, the Council on Accreditation, or any  
24                   other national accrediting agency recognized by  
25                   the Secretary of Health and Human Services.

1 (4) ELIGIBLE PROFESSIONAL.—The term “eli-  
2 gible professional” means—

3 (A) a clinical psychologist providing quali-  
4 fied psychologist services (as defined in section  
5 1861(ii) of the Social Security Act (42 U.S.C.  
6 1395x(ii)); or

7 (B) a clinical social worker (as defined in  
8 section 1861(hh)(1) of the Social Security Act).

9 (b) ESTABLISHMENT.—The Administrator, in con-  
10 sultation with the Director of the Office of the National  
11 Coordinator for Health Information Technology, shall es-  
12 tablish a pilot program in up to 5 States under which in-  
13 centive payments may be made to eligible professionals  
14 and eligible behavioral health facilities for the adoption  
15 and use of certified EHR technology.

16 (c) PROGRAM REQUIREMENTS.—

17 (1) SELECTION.—When selecting States for the  
18 pilot program established under this section, the Ad-  
19 ministrator shall give preference to States that have  
20 a Statewide health information exchange that in-  
21 cludes behavioral health data.

22 (2) ADOPTION AND USE OF CERTIFIED EHR  
23 TECHNOLOGY.—To qualify to receive incentive pay-  
24 ments under the pilot program established under  
25 this section, an eligible professional or eligible behav-

1 ioral health facility shall demonstrate, through an  
2 attestation or other means specified by the Adminis-  
3 trator, that the professional or behavioral health fa-  
4 cility—

5 (A) has adopted certified EHR technology;

6 and

7 (B) in the case that such professional or  
8 facility operates in a State or region with a  
9 State or regional health information exchange,  
10 participates in such health information ex-  
11 change.

12 (3) PAYMENTS.—The Administrator shall make  
13 incentive payments to at least one type of eligible  
14 professional listed in subparagraphs (A) and (B) of  
15 subsection (a)(4) and at least one type of eligible be-  
16 havioral health facility listed in subparagraphs (A)  
17 through (D) of subsection (a)(3) in each State se-  
18 lected for the pilot program established under this  
19 section. The amount of incentive payments to eligi-  
20 ble professionals and eligible behavioral health facili-  
21 ties under the pilot program may be comparable to  
22 the payment amounts under section 1848(o) of the  
23 Social Security Act (42 U.S.C. 1395w-4(o)) and  
24 section 1886 of such Act (42 U.S.C. 1395ww).

1 (d) DURATION.—The pilot program established  
2 under this section shall be conducted for a period not to  
3 exceed 5 years.

4 (e) REPORT.—Not later than 18 months after the  
5 conclusion of the pilot program established under this sec-  
6 tion, the Administrator shall submit a report to relevant  
7 committees of Congress that includes—

8 (1) an evaluation of the effectiveness of the  
9 pilot program in encouraging adoption of certified  
10 EHR technology by eligible professionals and eligible  
11 behavioral health facilities and in the exchange of  
12 behavioral health information;

13 (2) a description of best practices for the adop-  
14 tion and use of certified EHR technology by eligible  
15 professionals and eligible behavioral health facilities;  
16 and

17 (3) recommendations for increasing the percent-  
18 age of eligible professionals and eligible behavioral  
19 health facilities nationally that adopt certified EHR  
20 technology and exchange behavioral health informa-  
21 tion.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated such sums as may be  
24 necessary for the period of fiscal years 2017 through 2022

- 1 to carry out the pilot program under this section, to re-
- 2 main available for the duration of the pilot program.