

106TH CONGRESS  
2D SESSION

# H. R. 5055

To amend the Social Security Act and the Public Health Service Act with respect to qualifications for community mental health centers, to postpone for 1 year the application of the Medicare hospital outpatient prospective payment system to partial hospitalization services, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. LAMPSON (for himself, Mr. PAUL, Ms. JACKSON-LEE of Texas, Mr. BENTSEN, Mr. GREEN of Texas, Mr. STRICKLAND, Mr. TURNER, Mr. BAIRD, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Social Security Act and the Public Health Service Act with respect to qualifications for community mental health centers, to postpone for 1 year the application of the Medicare hospital outpatient prospective payment system to partial hospitalization services, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Community Mental  
3 Health Center Improvement Act of 2000”.

4 **SEC. 2. QUALIFICATIONS FOR COMMUNITY MENTAL**  
5 **HEALTH CENTERS.**

6 (a) **MEDICARE PROGRAM.**—Section 1861(ff)(3)(B) of  
7 the Social Security Act (42 U.S.C. 1395x(ff)(3)(B)) is  
8 amended by striking “entity” and all that follows and in-  
9 serting the following: “entity that—

10 “(i)(I) provides the mental health services de-  
11 scribed in section 1913(c)(1) of the Public Health  
12 Service Act; or

13 “(II) in the case of an entity operating in a  
14 State that by law precludes the entity from pro-  
15 viding itself a service described in such section, pro-  
16 vides for such service by contract with an approved  
17 organization or entity (as determined by the Sec-  
18 retary);

19 “(ii) meets applicable licensing or certification  
20 requirements for community mental health centers  
21 in the State in which it is located; and

22 “(iii) meets such additional conditions as the  
23 Secretary shall specify to ensure (I) the health and  
24 safety of individuals being furnished such services,  
25 (II) the effective and efficient furnishing of such  
26 services, and (III) the compliance of such entity with

1 the criteria described in section 1931(c)(1) of the  
2 Public Health Service Act.”.

3 (b) PROGRAM OF BLOCK GRANTS FOR COMMUNITY  
4 MENTAL HEALTH SERVICES.—Section 1913(c)(1)(E) of  
5 the Public Health Service Act (42 U.S.C. 300x–  
6 3(c)(1)(E)) is amended to read as follows:

7 “(E) Determining the clinical appropriate-  
8 ness of admissions to any inpatient psychiatric  
9 hospitals by engaging a full-time mental health  
10 professional who is licensed or certified to make  
11 such a determination by the State involved.”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section apply with respect to community mental  
14 health centers with respect to services furnished on or  
15 after the first day of the third month beginning after the  
16 date of the enactment of this Act.

17 **SEC. 3. 1 YEAR DELAY IN APPLICATION OF MEDICARE HOS-**  
18 **PITAL OUTPATIENT PROSPECTIVE PAYMENT**  
19 **SYSTEM TO PARTIAL HOSPITALIZATION**  
20 **SERVICES.**

21 Section 1833(t) of the Social Security Act (42 U.S.C.  
22 139511(t)) is amended—

23 (1) by redesignating paragraph (13) as para-  
24 graph (14); and

1           (2) by inserting after paragraph (12) the fol-  
2           lowing new paragraph:

3           “(13) PARTIAL HOSPITALIZATION SERVICES.—  
4           In the case of partial hospitalization services (as de-  
5           fined in section 1861(ff))—

6                   “(A) the system under this subsection shall  
7                   not apply to covered partial hospitalization serv-  
8                   ices furnished before August 1, 2001; and

9                   “(B) the Secretary may establish a sepa-  
10                  rate conversion factor for such services in a  
11                  manner that specifically takes into account the  
12                  unique costs incurred by providers of such serv-  
13                  ices by virtue of their patient population and  
14                  service intensity.”.

15 **SEC. 4. AUTHORITY TO MAKE OPD PPS TRANSITIONAL COR-**  
16 **RIDOR PAYMENTS TO HOSPITALS THAT DID**  
17 **NOT SUBMIT COST REPORTS FOR 1996.**

18           (a) IN GENERAL.—Section 1833(t)(7)(F)(ii)(I) of the  
19 Social Security Act, as inserted by section 202(a)(3) of  
20 the Medicare, Medicaid, and SCHIP Balanced Budget Re-  
21 finement Act of 1999 (113 Stat. 1501A–343), as enacted  
22 into law by section 1000(a)(6) of P.L. 106–113, is amend-  
23 ed to read as follows:

24                           “(I) the hospital’s reimbursement  
25                           under this part for covered OPD serv-

1                   ices (including any reimbursement for  
2                   such services through cost-sharing de-  
3                   scribed in subparagraph (E)) fur-  
4                   nished during the cost reporting pe-  
5                   riod ending in 1996, or, in the case of  
6                   a hospital that did not submit a cost  
7                   report for such cost reporting period,  
8                   furnished during the first subsequent  
9                   cost reporting period ending in or be-  
10                  fore 2000 for which the hospital sub-  
11                  mitted a cost report, to”.

12           (b) EFFECTIVE DATE.—The amendment made by  
13 subsection (a) shall be effective as if included in the enact-  
14 ment of the Balanced Budget Act of 1997, as amended  
15 by the Medicare, Medicaid, and SCHIP Balanced Budget  
16 Refinement Act of 1999.

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