

110TH CONGRESS  
1ST SESSION

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

To amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

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IN THE SENATE OF THE UNITED STATES

Ms. SNOWE (for herself, Mr. KERRY, \_\_\_\_\_) 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 eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

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 “Medicare Mental  
5 Health Copayment Equity Act of 2007”.

1 **SEC. 2. ELIMINATION OF DISCRIMINATORY COPAYMENT**  
2 **RATES FOR MEDICARE OUTPATIENT PSY-**  
3 **CHIATRIC SERVICES.**

4 Section 1833(c) of the Social Security Act (42 U.S.C.  
5 1395l(c)) is amended to read as follows:

6 “(c)(1) Notwithstanding any other provision of this  
7 part, with respect to expenses incurred in a calendar year  
8 in connection with the treatment of mental, psycho-  
9 neurotic, and personality disorders of an individual who  
10 is not an inpatient of a hospital at the time such expenses  
11 are incurred, there shall be considered as incurred ex-  
12 penses for purposes of subsections (a) and (b)—

13 “(A) for expenses incurred in any calendar year  
14 that begins before the date of enactment of the  
15 Medicare Mental Health Copayment Equity Act of  
16 2007 (including the calendar year in which such Act  
17 is enacted), only 62½ percent of such expenses;

18 “(B) for expenses incurred in the first calendar  
19 year that begins after the date of enactment of such  
20 Act, only 68¾ percent of such expenses;

21 “(C) for expenses incurred in the second cal-  
22 endar year that begins after the date of enactment  
23 of such Act, only 75 percent of such expenses;

24 “(D) for expenses incurred in the third calendar  
25 year that begins after the date of enactment of such  
26 Act, only 81¼ percent of such expenses;

1           “(E) for expenses incurred in the fourth cal-  
2           endar year that begins after the date of enactment  
3           of such Act, only 87½ percent of such expenses;

4           “(F) for expenses incurred in the fifth calendar  
5           year that begins after the date of enactment of such  
6           Act, only 93¾ percent of such expenses; and

7           “(G) for expenses incurred in the sixth calendar  
8           year that begins after the date of enactment of such  
9           Act, or any subsequent calendar year, 100 percent  
10          of such expenses.

11          “(2) For purposes of subparagraphs (A) through (F)  
12          of paragraph (1), the term ‘treatment’ does not include  
13          brief office visits (as defined by the Secretary) for the sole  
14          purpose of monitoring or changing drug prescriptions used  
15          in the treatment of such disorders or partial hospitaliza-  
16          tion services that are not directly provided by a physi-  
17          cian.”.