

117TH CONGRESS  
2D SESSION

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

To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions in psychiatry and subspecialties.

---

IN THE SENATE OF THE UNITED STATES

---

Ms. STABENOW (for herself and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on

---

---

**A BILL**

To amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions in psychiatry and subspecialties.

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 “Training Psychiatrists  
5 for the Future Act”.

1 **SEC. 2. DISTRIBUTION OF ADDITIONAL RESIDENCY POSI-**  
2 **TIONS IN PSYCHIATRY AND PSYCHIATRY SUB-**  
3 **SPECIALTIES.**

4 (a) IN GENERAL.—Section 1886(h) of the Social Se-  
5 curity Act (42 U.S.C. 1395ww(h)) is amended—

6 (1) in paragraph (4)(F)(i), by striking “and  
7 (9)” and inserting “(9), and (10)”;

8 (2) in paragraph (4)(H)(i), by striking “and  
9 (9)” and inserting “(9), and (10)”;

10 (3) by adding at the end the following new  
11 paragraph:

12 “(10) DISTRIBUTION OF ADDITIONAL RESI-  
13 DENCY POSITIONS IN PSYCHIATRY AND PSYCHIATRY  
14 SUBSPECIALTIES.—

15 “(A) ADDITIONAL RESIDENCY POSI-  
16 TIONS.—

17 “(i) IN GENERAL.—For fiscal year  
18 2025, and for each succeeding fiscal year  
19 until the aggregate number of full-time  
20 equivalent residency positions distributed  
21 under this paragraph is equal to the aggre-  
22 gate number of such positions made avail-  
23 able (as specified in clause (ii)(I)), the Sec-  
24 retary shall, subject to the succeeding pro-  
25 visions of this paragraph, increase the oth-  
26 erwise applicable resident limit for each

1           qualifying hospital (as defined in subpara-  
2           graph (F)) that submits a timely applica-  
3           tion under this subparagraph by such  
4           number as the Secretary may approve ef-  
5           fective beginning July 1 of the fiscal year  
6           of the increase.

7                   “(ii) NUMBER AVAILABLE FOR DIS-  
8           TRIBUTION.—

9                           “(I) TOTAL NUMBER AVAIL-  
10           ABLE.—The aggregate number of  
11           such positions made available under  
12           this paragraph shall be equal to 400.

13                           “(II) ANNUAL LIMIT.—The ag-  
14           gregate number of such positions so  
15           made available shall not exceed 200  
16           for a fiscal year.

17                           “(iii) DISTRIBUTION FOR PSYCHIATRY  
18           OR           PSYCHIATRY           SUBSPECIALTY  
19           RESIDENCIES.—Each of the positions  
20           made available under this paragraph shall  
21           be in a psychiatry or psychiatry sub-  
22           specialty residency (as defined in subpara-  
23           graph (F)).

24                           “(iv) PROCESS FOR DISTRIBUTING PO-  
25           SITIONS.—

1                   “(I) ROUNDS OF APPLICA-  
2                   TIONS.—The Secretary shall initiate a  
3                   separate round of applications for an  
4                   increase under clause (i) for each fis-  
5                   cal year for which such an increase is  
6                   to be provided.

7                   “(II) TIMING.—The Secretary  
8                   shall notify hospitals of the number of  
9                   positions distributed to the hospital  
10                  under this paragraph as a result of an  
11                  increase in the otherwise applicable  
12                  resident limit by January 31 of the  
13                  fiscal year of the increase. Such in-  
14                  crease shall be effective beginning  
15                  July 1 of such fiscal year.

16                  “(B) DISTRIBUTION.—For purposes of  
17                  providing an increase in the otherwise applica-  
18                  ble resident limit under subparagraph (A), the  
19                  following shall apply:

20                  “(i) CONSIDERATIONS IN DISTRIBU-  
21                  TION.—In determining for which qualifying  
22                  hospitals such an increase is provided  
23                  under subparagraph (A), the Secretary  
24                  shall take into account the demonstrated  
25                  likelihood of the hospital filling the posi-

1 tions made available under this paragraph  
2 within the first 5 training years beginning  
3 after the date the increase would be effec-  
4 tive, as determined by the Secretary.

5 “(ii) DISTRIBUTION FOR CERTAIN  
6 CATEGORIES OF HOSPITALS.—With respect  
7 to the aggregate number of such positions  
8 available for distribution under this para-  
9 graph, the Secretary shall distribute such  
10 aggregate number to the following cat-  
11 egories of hospitals:

12 “(I) To hospitals that are located  
13 in a rural area (as defined in section  
14 1886(d)(2)(D)) or are treated as  
15 being located in a rural area pursuant  
16 to section 1886(d)(8)(E).

17 “(II) To hospitals in which the  
18 reference resident level of the hospital  
19 (as specified in subparagraph (F)(iv))  
20 is greater than the otherwise applica-  
21 ble resident limit.

22 “(III) To hospitals in States  
23 with—

24 “(aa) new medical schools  
25 that received ‘Candidate School’

1 status from the Liaison Com-  
2 mittee on Medical Education or  
3 that received ‘Pre-Accreditation’  
4 status from the American Osteo-  
5 pathic Association Commission  
6 on Osteopathic College Accredita-  
7 tion on or after January 1, 2000,  
8 and that have achieved or con-  
9 tinue to progress toward ‘Full  
10 Accreditation’ status (as such  
11 term is defined by the Liaison  
12 Committee on Medical Edu-  
13 cation) or toward ‘Accreditation’  
14 status (as such term is defined  
15 by the American Osteopathic As-  
16 sociation Commission on Osteo-  
17 pathic College Accreditation); or  
18 “(bb) additional locations  
19 and branch campuses established  
20 on or after January 1, 2000, by  
21 medical schools with ‘Full Ac-  
22 creditation’ status (as such term  
23 is defined by the Liaison Com-  
24 mittee on Medical Education) or  
25 ‘Accreditation’ status (as such

1 term is defined by the American  
2 Osteopathic Association Commis-  
3 sion on Osteopathic College Ac-  
4 creditation).

5 “(IV) To hospitals that serve  
6 areas designated as health profes-  
7 sional shortage areas under section  
8 332(a)(1)(A) of the Public Health  
9 Service Act, as determined by the Sec-  
10 retary.

11 “(V) To hospitals located in  
12 States with less than 27 residents per  
13 100,000 people.

14 “(C) REQUIREMENTS.—

15 “(i) IN GENERAL.—Subject to clause  
16 (ii), a hospital that receives an increase in  
17 the otherwise applicable resident limit  
18 under this paragraph shall ensure, during  
19 the 5-year period beginning on the date of  
20 such increase, that—

21 “(I) the number of full-time  
22 equivalent residents in a psychiatry or  
23 psychiatry subspecialty residency (as  
24 defined in subparagraph (F)), exclud-  
25 ing any additional positions attrib-

1                   utable to an increase under this para-  
2                   graph, is not less than the average  
3                   number of full-time equivalent resi-  
4                   dents in such a residency during the  
5                   3 most recent cost reporting periods  
6                   ending prior to the date of enactment  
7                   of this paragraph; and

8                   “**(II)** all of the positions attrib-  
9                   utable to such increase are in a psy-  
10                  chiatry or psychiatry subspecialty resi-  
11                  dency (as determined by the Sec-  
12                  retary).

13                  The Secretary may determine whether a  
14                  hospital has met the requirements under  
15                  this clause during such 5-year period in  
16                  such manner and at such time as the Sec-  
17                  retary determines appropriate, including at  
18                  the end of such 5-year period.

19                  “**(ii) REDISTRIBUTION OF POSITIONS**  
20                  **IF HOSPITAL NO LONGER MEETS CERTAIN**  
21                  **REQUIREMENTS.**—In the case where the  
22                  Secretary determines that a hospital de-  
23                  scribed in clause (i) does not meet either  
24                  of the requirements under subclause (I) or  
25                  (II) of such clause, the Secretary shall—

1                   “(I) reduce the otherwise applica-  
2                   ble resident limit of the hospital by  
3                   the amount by which such limit was  
4                   increased under this paragraph; and

5                   “(II) provide for the distribution  
6                   of positions attributable to such re-  
7                   duction in accordance with the re-  
8                   quirements of this paragraph.

9                   “(iii) LIMITATION.—A hospital may  
10                  not receive more than 10 additional full-  
11                  time equivalent residency positions under  
12                  this paragraph.

13                  “(iv) PROHIBITION ON DISTRIBUTION  
14                  TO HOSPITALS WITHOUT AN INCREASE  
15                  AGREEMENT.—No increase in the other-  
16                  wise applicable resident limit of a hospital  
17                  may be made under this paragraph unless  
18                  such hospital agrees to increase the total  
19                  number of full-time equivalent residency  
20                  positions under the approved medical resi-  
21                  dency training program of such hospital by  
22                  the number of such positions made avail-  
23                  able by such increase under this para-  
24                  graph.

1           “(D) APPLICATION OF PER RESIDENT  
2 AMOUNTS FOR NONPRIMARY CARE.—With re-  
3 spect to additional residency positions in a hos-  
4 pital attributable to the increase provided under  
5 this paragraph, the approved FTE per resident  
6 amounts are deemed to be equal to the hospital  
7 per resident amounts for nonprimary care com-  
8 puted under paragraph (2)(D) for that hospital.

9           “(E) PERMITTING FACILITIES TO APPLY  
10 AGGREGATION RULES.—The Secretary shall  
11 permit hospitals receiving additional residency  
12 positions attributable to the increase provided  
13 under this paragraph to, beginning in the fifth  
14 year after the effective date of such increase,  
15 apply such positions to the limitation amount  
16 under paragraph (4)(F) that may be aggre-  
17 gated pursuant to paragraph (4)(H) among  
18 members of the same affiliated group.

19           “(F) DEFINITIONS.—In this paragraph:

20           “(i) OTHERWISE APPLICABLE RESI-  
21 DENT LIMIT.—The term ‘otherwise appli-  
22 cable resident limit’ means, with respect to  
23 a hospital, the limit otherwise applicable  
24 under subparagraphs (F)(i) and (H) of  
25 paragraph (4) on the resident level for the

1 hospital determined without regard to this  
2 paragraph but taking into account para-  
3 graphs (7)(A), (7)(B), (8)(A), (8)(B), and  
4 (9)(A).

5 “(ii) PSYCHIATRY OR PSYCHIATRY  
6 SUBSPECIALTY RESIDENCY.—The term  
7 ‘psychiatry or psychiatry subspecialty resi-  
8 dency’ means a residency in psychiatry as  
9 accredited by the Accreditation Council for  
10 Graduate Medical Education for the pur-  
11 pose of preventing, diagnosing, and treat-  
12 ing mental health disorders.

13 “(iii) QUALIFYING HOSPITAL.—The  
14 term ‘qualifying hospital’ means a hospital  
15 described in any of subclauses (I) through  
16 (V) of subparagraph (B)(ii).

17 “(iv) REFERENCE RESIDENT  
18 LEVEL.—The term ‘reference resident  
19 level’ means, with respect to a hospital, the  
20 resident level for the most recent cost re-  
21 porting period of the hospital ending on or  
22 before the date of enactment of this para-  
23 graph, for which a cost report has been  
24 settled (or, if not, submitted (subject to  
25 audit)), as determined by the Secretary.

1                   “(v) RESIDENT LEVEL.—The term  
2                   ‘resident level’ has the meaning given such  
3                   term in paragraph (7)(C)(i).”.

4           (b) IME.—Section 1886(d)(5)(B) of the Social Secu-  
5 rity Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

6           (1) in clause (v), in the third sentence, by strik-  
7 ing “and (h)(9)” and inserting “(h)(9), and  
8 (h)(10)”;

9           (2) by moving clause (xii) 4 ems to the left; and

10           (3) by adding at the end the following new  
11 clause:

12           “(xiii) For discharges occurring on or after  
13 July 1, 2024, insofar as an additional payment  
14 amount under this subparagraph is attributable to  
15 resident positions distributed to a hospital under  
16 subsection (h)(10), the indirect teaching adjustment  
17 factor shall be computed in the same manner as pro-  
18 vided under clause (ii) with respect to such resident  
19 positions.”.

20           (c) PROHIBITION ON JUDICIAL REVIEW.—Section  
21 1886(h)(7)(E) of the Social Security Act (42 U.S.C.  
22 1395ww—4(h)(7)(E)) is amended by inserting “para-  
23 graph (10),” after “paragraph (8),”.