

115TH CONGRESS
1ST SESSION

H. R. 3164

To amend title XVIII of the Social Security Act to expand access to home dialysis therapy.

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2017

Mrs. BLACK (for herself, Ms. DELBENE, Mr. THOMPSON of California, and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on Energy and 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

A BILL

To amend title XVIII of the Social Security Act to expand access to home dialysis therapy.

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. EXPANDING ACCESS TO HOME DIALYSIS THER-**

4 **APY.**

5 (a) ALLOWING USE OF TELEHEALTH FOR MONTHLY

6 END STAGE RENAL DISEASE-RELATED VISITS.—

1 (1) IN GENERAL.—Paragraph (3) of section
2 1881(b) of the Social Security Act (42 U.S.C.
3 1395rr(b)) is amended—

4 (A) by redesignating subparagraphs (A)
5 and (B) as clauses (i) and (ii), respectively;

6 (B) in clause (ii), as redesignated by sub-
7 paragraph (A)—

8 (i) by inserting “subject to subpara-
9 graph (B),” before “on a comprehensive”;
10 and

11 (ii) by striking “under this subpara-
12 graph” and inserting “under this clause”;

13 (C) by striking “With respect to” and in-
14 serting “(A) With respect to”; and

15 (D) by adding at the end the following new
16 subparagraph:

17 “(B)(i) Subject to clause (ii), an individual who is
18 determined to have end stage renal disease and who is re-
19 ceiving home dialysis may choose to receive monthly end
20 stage renal disease-related visits, furnished on or after
21 January 1, 2019, via telehealth.

22 “(ii) Clause (i) shall apply to an individual only if
23 the individual receives a face-to-face visit, without the use
24 of telehealth—

1 “(I) in the case of the initial three months of
2 home dialysis of such individual, at least monthly;
3 and

4 “(II) after such initial three months, at least
5 once every three consecutive months.”.

6 (2) CONFORMING AMENDMENT.—Paragraph (1)
7 of such section is amended by striking “paragraph
8 (3)(A)” and inserting “paragraph (3)(A)(i)”.

9 (b) EXPANDING ORIGINATING SITES FOR TELE-
10 HEALTH TO INCLUDE RENAL DIALYSIS FACILITIES AND
11 THE HOME FOR PURPOSES OF MONTHLY END STAGE
12 RENAL DISEASE-RELATED VISITS.—

13 (1) IN GENERAL.—Section 1834(m) of the So-
14 cial Security Act (42 U.S.C. 1395m(m)) is amend-
15 ed—

16 (A) in paragraph (4)(C)(ii), by adding at
17 the end the following new subclauses:

18 “(IX) A renal dialysis facility,
19 but only for purposes of section
20 1881(b)(3)(B).

21 “(X) The home of an individual,
22 but only for purposes of section
23 1881(b)(3)(B).”; and

24 (B) by adding at the end the following new
25 paragraph:

1 “(5) TREATMENT OF HOME DIALYSIS MONTHLY
2 ESRD-RELATED VISIT.—The geographic require-
3 ments described in paragraph (4)(C)(i) shall not
4 apply with respect to telehealth services furnished on
5 or after January 1, 2019, for purposes of section
6 1881(b)(3)(B), at an originating site described in
7 subclause (VI), (IX), or (X) of paragraph
8 (4)(C)(ii).”.

9 (2) NO FACILITY FEE IF ORIGINATING SITE
10 FOR HOME DIALYSIS THERAPY IS THE HOME.—Sec-
11 tion 1834(m)(2)(B) of the Social Security (42
12 U.S.C. 1395m(m)(2)(B)) is amended—

13 (A) by redesignating clauses (i) and (ii) as
14 subclauses (I) and (II), respectively, and by in-
15 denting each of such subclauses 2 ems to the
16 right;

17 (B) in subclause (II), as redesignated by
18 subparagraph (A), by striking “clause (i) or
19 this clause” and inserting “subclause (I) or this
20 subclause”;

21 (C) by striking “SITE.—With respect to”
22 and inserting “SITE.—

23 “(i) IN GENERAL.—Subject to clause
24 (ii), with respect to”; and

1 (D) by adding at the end the following new
2 clause:

3 “(ii) NO FACILITY FEE IF ORIGI-
4 NATING SITE FOR HOME DIALYSIS THER-
5 APY IS THE HOME.—No facility fee shall
6 be paid under this subparagraph to an
7 originating site described in subclause (X)
8 of paragraph (4)(C)(ii).”.

9 (c) CLARIFICATION REGARDING TELEHEALTH PRO-
10 VIDED TO BENEFICIARIES.—Section 1128A(i)(6) of the
11 Social Security Act (42 U.S.C. 1320a–7a(i)(6)) is amend-
12 ed—

13 (1) in subparagraph (H), by striking “; or” and
14 inserting a semicolon;

15 (2) in subparagraph (I), by striking the period
16 at the end and inserting “; or”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(J) the provision of telehealth on or after
20 January 1, 2019, to individuals with end stage
21 renal disease under title XVIII by a health care
22 provider for the purpose of furnishing of tele-
23 health.”.

24 (d) STUDY AND REPORT ON FURTHER EXPAN-
25 SION.—

1 (1) STUDY.—The Comptroller General of the
2 United States shall conduct a study to examine the
3 benefits and drawbacks of expanding the coverage
4 under the Medicare program under title XVIII of
5 the Social Security Act of renal dialysis services as
6 telehealth services, pursuant to the amendments
7 made by this section, to include coverage of renal di-
8 alysis services furnished via telehealth and other
9 store-and-forward technologies.

10 (2) REPORT.—Not later than two years after
11 the date of the enactment of this Act, the Comp-
12 troller General shall submit to Congress a report on
13 the results of the study conducted under paragraph
14 (1).

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