

Union Calendar No. 355

115TH CONGRESS
1ST SESSION

H. R. 3727

[Report No. 115–480, Part I]

To amend title XVIII of the Social Security Act to include additional telehealth services for purposes of MA organization bids, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2017

Mrs. BLACK (for herself, Mr. THOMPSON of California, Mrs. BROOKS of Indiana, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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

DECEMBER 21, 2017

Additional sponsors: Mr. CURBELO of Florida, Mr. COSTELLO of Pennsylvania, and Mr. KHANNA

DECEMBER 21, 2017

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 21, 2017

The Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 11, 2017]

A BILL

To amend title XVIII of the Social Security Act to include additional telehealth services for purposes of MA organization bids, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Increasing Telehealth*
 5 *Access in Medicare Act” or the “ITAM Act”.*

6 **SEC. 2. INCLUSION OF ADDITIONAL TELEHEALTH SERVICES**

7 **IN MEDICARE ADVANTAGE ORGANIZATION**

8 **BIDS.**

9 *(a) IN GENERAL.—Section 1852 of the Social Security*
 10 *Act (42 U.S.C. 1395w–22) is amended—*

11 *(1) in subsection (a)(1)(B)(i), by adding at the*
 12 *end the following new sentence: “For plan year 2020*
 13 *and each subsequent plan year, for purposes of sub-*
 14 *section (m) and section 1854, in the case that an MA*
 15 *plan makes an election described in subsection (m)(1)*
 16 *with respect to such plan year, additional telehealth*
 17 *services shall be treated as a benefit under the origi-*
 18 *nal medicare fee-for-service program option with re-*
 19 *spect to such plan and plan year.”; and*

20 *(2) by adding at the end the following new sub-*
 21 *section:*

22 *“(m) PROVISION OF ADDITIONAL TELEHEALTH SERV-*
 23 *ICES.—*

24 *“(1) MA PLAN OPTION.—For purposes of sub-*
 25 *section (a)(1)(B)(i), an election described in this*

1 paragraph, with respect to an MA plan and plan
2 year, is an election by the sponsor of such plan to
3 provide under the plan for such plan year, in accord-
4 ance with the subsequent provisions of this subsection,
5 additional telehealth services (as defined in para-
6 graph (2)) as a benefit under the original medicare
7 fee-for-service program option. Such additional tele-
8 health services, with respect to a plan year, shall be
9 in addition to benefits included under the original
10 medicare fee-for-service program option for such year.

11 “(2) *ADDITIONAL TELEHEALTH SERVICES DE-*
12 *FINED.*—

13 “(A) *IN GENERAL.*—For purposes of this
14 subsection and section 1854, the term ‘additional
15 telehealth services’ means, subject to subpara-
16 graph (C), services, with respect to a year—

17 “(i) for which payment may be made
18 under part B (without regard to applica-
19 tion of section 1834(m));

20 “(ii) that, if furnished via a tele-
21 communications system, would not be pay-
22 able under section 1834(m);

23 “(iii) furnished using electronic infor-
24 mation and telecommunications technology;

1 “(iv) furnished in accordance with
2 such requirements as the Secretary specifies
3 pursuant to paragraph (3); and

4 “(v) which are identified for such year
5 by the Secretary as appropriate to furnish
6 using electronic information and tele-
7 communications technology where a physi-
8 cian (as defined in section 1861(r)) or prac-
9 titioner (described in section
10 1842(b)(18)(C)) furnishing the service is not
11 at the same location as the plan enrollee.

12 “(B) FLEXIBILITY FOR PHASING IN IDENTI-
13 FICATIONS.—In making identifications under
14 subparagraph (A)(v), the Secretary shall make
15 such identifications annually and may make
16 such identifications in a manner that results in
17 additional telehealth services being phased in, as
18 determined appropriate by the Secretary.

19 “(C) EXCLUSION OF CAPITAL AND INFRA-
20 STRUCTURE COSTS AND INVESTMENTS.—For
21 purposes of this subsection and section 1854, the
22 term ‘additional telehealth services’ does not in-
23 clude capital and infrastructure costs and invest-
24 ments relating to such benefits provided pursu-
25 ant to this subsection.

1 “(3) *REQUIREMENTS FOR ADDITIONAL TELE-*
2 *HEALTH SERVICES.—The Secretary shall specify re-*
3 *quirements for the provision of additional telehealth*
4 *services with respect to—*

5 “(A) *qualifications (other than licensure) of*
6 *physicians and practitioners who furnish such*
7 *services;*

8 “(B) *the technology used in furnishing such*
9 *services;*

10 “(C) *factors necessary for coordination of*
11 *additional telehealth services with other services;*
12 *and*

13 “(D) *such other criteria (such as clinical*
14 *criteria) as determined by the Secretary.*

15 “(4) *ENROLLEE CHOICE.—An MA plan that pro-*
16 *vides a service as an additional telehealth service may*
17 *not, when furnished without use of electronic informa-*
18 *tion and telecommunications technology, deny access*
19 *to the equivalent in-person service.*

20 “(5) *CONSTRUCTION.—*

21 “(A) *IN GENERAL.—In determining if an*
22 *MA organization or MA plan, as applicable, is*
23 *in compliance with each requirement specified in*
24 *subparagraph (B), such determination shall be*
25 *made without regard to any additional telehealth*

1 *services covered by the plan offered by such orga-*
2 *nization or plan pursuant to this subsection.*

3 “(B) *REQUIREMENTS SPECIFIED.*—*The re-*
4 *quirements specified in this subparagraph are*
5 *the following:*

6 “(i) *The requirements under subsection*
7 *(d).*

8 “(ii) *The requirement under subsection*
9 *(a)(1) with respect to covering benefits*
10 *under the original medicare fee-for-service*
11 *program option, as defined in the first sen-*
12 *tence of paragraph (B)(i) of such sub-*
13 *section.”.*

14 (b) *INCLUSION OF ADDITIONAL TELEHEALTH SERV-*
15 *ICES IN MA ORGANIZATION BID AMOUNT.*—*Section*
16 *1854(a)(6)(A)(ii)(I) of the Social Security Act (42 U.S.C.*
17 *1395w–24(a)(6)(A)(ii)(I)) is amended by inserting “, in-*
18 *cluding, for plan year 2020 and subsequent plan years, the*
19 *provision of such benefits through the use of additional tele-*
20 *health services under section 1852(m)” before the semicolon*
21 *at the end.*

1 **SEC. 3. USE OF TELECOMMUNICATIONS SYSTEMS IN FUR-**
2 **NISHING CHRONIC CARE MANAGEMENT**
3 **SERVICES.**

4 *Section 1848(b)(8) of the Social Security Act (42*
5 *U.S.C. 1395(b)(8)) is amended by adding at the end the*
6 *following new subparagraph:*

7 *“(C) CLARIFICATION.—In carrying out this*
8 *paragraph, with respect to chronic care manage-*
9 *ment services, the Secretary may, subject to sub-*
10 *paragraph (B), make payment for such services*
11 *furnished through the use of secure messaging,*
12 *Internet, store and forward technologies, or other*
13 *non-face-to-face communication methods deter-*
14 *mined appropriate by the Secretary.”.*

15 **SEC. 4. SENSE OF CONGRESS REGARDING PARITY OF TELE-**
16 **HEALTH SERVICES.**

17 *It is the sense of Congress that there should be—*

18 *(1) parity, with respect to access to telehealth,*
19 *between the original medicare fee-for-service program*
20 *under parts A and B of title XVIII of the Social Se-*
21 *curity Act and the Medicare Advantage program*
22 *under part C of such title; and*

23 *(2) access to medically appropriate, quality tele-*
24 *health for all Medicare beneficiaries.*

1 **SEC. 5. DEPOSIT OF SAVINGS INTO MEDICARE IMPROVE-**
2 **MENT FUND.**

3 *Section 1898(b)(1) of the Social Security Act (42*
4 *U.S.C. 1395iii(b)(1)) is amended by striking “during and*
5 *after fiscal year 2021, \$270,000,000” and inserting “during*
6 *and after fiscal year 2021, \$325,000,000”.*

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