

116TH CONGRESS
1ST SESSION

H. R. 1301

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain mental health telehealth services.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2019

Ms. DELBENE 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 provide for coverage under the Medicare program of certain mental health telehealth services.

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 “Mental Health Tele-
5 medicine Expansion Act”.

1 **SEC. 2. MEDICARE COVERAGE OF CERTAIN MENTAL**
2 **HEALTH TELEHEALTH SERVICES.**

3 Section 1834(m) of the Social Security Act (42
4 U.S.C. 1395m(m)) is amended—

5 (1) in paragraph (4)(F)(i), by inserting “serv-
6 ices identified by CPT codes 90834 and 90837 (and
7 as subsequently modified by the Secretary),” before
8 “and any additional service”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(8) TREATMENT OF MENTAL HEALTH TELE-
12 HEALTH SERVICES.—

13 “(A) NON-APPLICATION OF ORIGINATING
14 SITE REQUIREMENTS.—The requirements de-
15 scribed in paragraph (4)(C) shall not apply with
16 respect to telehealth services furnished on or
17 after January 1, 2020, that are mental health
18 telehealth services. Nothing in the previous sen-
19 tence shall waive any applicable State law re-
20 quirements.

21 “(B) INCLUSION OF CERTAIN SITES.—
22 With respect to telehealth services described in
23 subparagraph (A), the term ‘originating site’
24 shall include the home of the eligible telehealth
25 individual at which the individual is located at

1 the time the service is furnished via a tele-
2 communications system.

3 “(C) NO ORIGINATING SITE FACILITY
4 FEE.—No facility fee shall be paid under para-
5 graph (2)(B) to an originating site with respect
6 to a telehealth service described in subpara-
7 graph (A) if the originating site does not other-
8 wise meet the requirements for an originating
9 site under paragraph (4)(C).

10 “(D) IN-PERSON ASSESSMENTS RE-
11 QUIRED.—Payment may not be made for men-
12 tal health telehealth services under this para-
13 graph (if such payment would not otherwise be
14 allowed under this subsection without applica-
15 tion of this paragraph) furnished to an eligible
16 telehealth individual unless—

17 “(i) prior to the provision of such
18 mental health telehealth services, a physi-
19 cian or practitioner furnished an in-person
20 assessment of the needs of such individual
21 for such services; and

22 “(ii) a physician or practitioner fur-
23 nishes a reassessment of the needs of such
24 individual for such services at a frequency
25 specified by the Secretary.

1 “(E) MENTAL HEALTH TELEHEALTH
2 SERVICES DEFINED.—For purposes of this
3 paragraph, the term ‘mental health telehealth
4 service’ means services identified by CPT codes
5 90834 and 90837 (and as subsequently modi-
6 fied by the Secretary).”.

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