

116TH CONGRESS
2^D SESSION

H. R. 7187

To amend title XVIII of the Social Security Act to provide for permanent payments for telehealth services furnished by Federally qualified health centers and rural health clinics under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2020

Mr. THOMPSON of Pennsylvania (for himself and Mr. BUTTERFIELD) 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 permanent payments for telehealth services furnished by Federally qualified health centers and rural health clinics 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 “Helping Ensure Access
5 to Local TeleHealth Act of 2020” or the “HEALTH Act
6 of 2020”.

1 **SEC. 2. PROVIDING FOR PERMANENT COST-RELATED PAY-**
2 **MENTS FOR TELEHEALTH SERVICES FUR-**
3 **NISHED BY FEDERALLY QUALIFIED HEALTH**
4 **CENTERS AND RURAL HEALTH CLINICS**
5 **UNDER THE MEDICARE PROGRAM AND PER-**
6 **MANENTLY REMOVING ORIGINATING SITE**
7 **FACILITY AND LOCATION REQUIREMENTS**
8 **FOR DISTANT SITE TELEHEALTH SERVICES**
9 **FURNISHED BY SUCH CENTERS AND SUCH**
10 **CLINICS.**

11 (a) PERMANENT TELEHEALTH PAYMENTS.—Section
12 1834(m)(8) of the Social Security Act (42 U.S.C.
13 1395m(m)(8)) is amended—

14 (1) in the header, by striking “DURING EMER-
15 GENCY PERIOD”;

16 (2) in subparagraph (A), in the matter pre-
17 ceding clause (i), by striking “During the emergency
18 period described in section 1135(g)(1)(B)” and in-
19 serting “With respect to telehealth services furnished
20 on or after the date of the beginning of the emer-
21 gency period described in section 1135(g)(1)(B)”;
22 and

23 (3) by striking subparagraph (B) and inserting
24 the following new subparagraph:

25 “(B) PAYMENT.—

1 “(i) IN GENERAL.—A telehealth serv-
2 ice furnished by a rural health clinic or a
3 Federally qualified health center serving as
4 a distant site to an individual shall be
5 deemed to be so furnished to such indi-
6 vidual as an outpatient of such clinic or fa-
7 cility (as applicable) for purposes of para-
8 graph (1) or (3), respectively, of section
9 1861(aa) and payable as a rural health
10 clinic service or Federally qualified health
11 center service (as applicable) under section
12 1833(a)(3) or under the prospective pay-
13 ment system established under section
14 1834(o), respectively.

15 “(ii) TREATMENT OF COSTS FOR
16 FQHC PPS CALCULATIONS AND RHC AIR
17 CALCULATIONS.—Costs associated with the
18 delivery of telehealth services by a Feder-
19 ally qualified health center or rural health
20 clinic serving as a distant site pursuant to
21 this paragraph shall be considered allow-
22 able costs for purposes of the prospective
23 payment system established under section
24 1834(o) and any payment methodologies

1 developed under section 1833(a)(3), as ap-
2 plicable.”.

3 (b) ELIMINATION OF ORIGINATING SITE REQUIRE-
4 MENTS FOR TELEHEALTH SERVICES FURNISHED BY
5 FQHCs OR RHCs.—

6 (1) IN GENERAL.—Section 1834(m) of the So-
7 cial Security Act (42 U.S.C. 1395m(m)), as amend-
8 ed by subsection (a), is further amended—

9 (A) in paragraph (4)(C)(i), by striking
10 “and (7)” and inserting “(7), and (8)”; and

11 (B) by adding at the end the following new
12 subparagraph:

13 “(C) NONAPPLICATION OF ORIGINATING
14 SITE REQUIREMENTS.—The geographic and site
15 requirements described in paragraph (4)(C)
16 shall not apply with respect to telehealth serv-
17 ices furnished by a Federally qualified health
18 center or a rural health clinic serving as a dis-
19 tant site.”.

20 (2) SPECIAL PAYMENT RULE FOR ORIGINATING
21 SITES WITH RESPECT TO TELEHEALTH SERVICES
22 FURNISHED BY AN FQHC OR RHC.—Section
23 1834(m)(2)(B) of the Social Security Act (42 U.S.C.
24 1395m(m)(2)(B)) is amended—

1 (A) in clause (i), by striking “clause (ii)”
2 and inserting “clauses (ii) and (iii)”; and

3 (B) by adding at the end the following new
4 clause:

5 “(iii) SPECIAL RULE FOR TELE-
6 HEALTH SERVICES FURNISHED BY FQHCS
7 AND RHCS.—No facility fee shall be paid
8 under this subparagraph to an originating
9 site with respect to telehealth services fur-
10 nished by a Federally qualified health cen-
11 ter or rural health clinic serving as a dis-
12 tant site unless such originating site is a
13 site described in any of subclauses (I)
14 through (IX) of paragraph (4)(C)(ii).”.

15 (c) TREATMENT OF FQHC AND RHC TELEHEALTH
16 SERVICES AS A VISIT.—The Secretary of Health and
17 Human Services shall revise section 405.2463 of title 42,
18 Code of Federal Regulations (or a successor regulation)
19 to provide that, in the case of a Federally qualified health
20 center or a rural health clinic serving as a distant site
21 furnishing telehealth services to an individual in accord-
22 ance with section 1834(m) of the Social Security Act (42
23 U.S.C. 1395m(m)), such services so furnished are consid-

- 1 ered to constitute a visit to such center or such clinic (as
- 2 applicable) by such individual.

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