

116TH CONGRESS
2D SESSION

H. R. 8308

To amend the Public Health Service Act to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for services furnished via telehealth if such services would be covered if furnished in-person, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2020

Mr. PHILLIPS (for himself, Mr. CHABOT, and Mr. MORELLE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for services furnished via telehealth if such services would be covered if furnished in-person, 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 “Telehealth Coverage
5 and Payment Parity Act”.

1 **SEC. 2. REQUIRING GROUP HEALTH PLANS AND HEALTH**
2 **INSURANCE ISSUERS OFFERING GROUP OR**
3 **INDIVIDUAL HEALTH INSURANCE COVERAGE**
4 **TO PROVIDE COVERAGE FOR SERVICES FUR-**
5 **NISHED VIA TELEHEALTH IF SUCH SERVICES**
6 **WOULD BE COVERED IF FURNISHED IN-PER-**
7 **SON.**

8 (a) PUBLIC HEALTH SERVICE ACT.—Subpart II of
9 part A of title XXVII of the Public Health Service Act
10 (42 U.S.C. 300gg–11 et seq.) is amended by adding at
11 the end the following new section:

12 **“SEC. 2730. REQUIRED COVERAGE OF TELEHEALTH SERV-**
13 **ICES.**

14 “(a) IN GENERAL.—A group health plan and a health
15 insurance issuer offering group or individual health insur-
16 ance coverage, including a grandfathered health plan (as
17 defined in section 1251(e) of the Patient Protection and
18 Affordable Care Act (42 U.S.C. 18011(e)))—

19 “(1) shall—

20 “(A) provide benefits under such plan or
21 such coverage for any eligible service (as de-
22 fined in subsection (b)), including a mental
23 health and substance use disorder service, fur-
24 nished via a qualifying telecommunications sys-
25 tem (as defined in subsection (b)) by a health
26 care provider to an individual who is a partici-

1 pant, beneficiary, or enrollee under such plan or
2 such coverage, notwithstanding that such pro-
3 vider furnishing such service is not at the same
4 location as the individual;

5 “(B) so provide such benefits for such
6 service under the same terms and with applica-
7 tion of the same cost-sharing requirements (in-
8 cluding a deductible, copayment, or coinsur-
9 ance) as would apply if such service were fur-
10 nished by such provider to such individual in-
11 person;

12 “(C) reimburse such provider for such
13 service in an amount equal to the amount of re-
14 imbursement for such service had such service
15 been furnished by such provider to such indi-
16 vidual in-person;

17 “(D) not impose any requirement under
18 such plan or coverage that such provider have
19 a prior relationship with such individual; and

20 “(E) not restrict the ability of any health
21 care provider with a contractual relationship for
22 furnishing an eligible service under such plan or
23 coverage from furnishing such service via a
24 qualifying telecommunications system, and shall
25 not establish incentives or penalties under such

1 plan or coverage for receiving such an eligible
2 service from such a provider via such a system;
3 and

4 “(2) may waive any cost-sharing requirement
5 (including application of a deductible, copayment, or
6 coinsurance) for an item or service furnished for
7 purposes of diagnosing or treating COVID-19, in-
8 cluding any such service that is an eligible service
9 furnished via a qualifying telecommunications sys-
10 tem.

11 “(b) DEFINITIONS.—In this section:

12 “(1) ELIGIBLE SERVICE.—The term ‘eligible
13 service’ means, with respect to a group health plan
14 and a health insurance issuer offering group or indi-
15 vidual health insurance coverage, a service—

16 “(A) for which benefits are provided under
17 such plan or such coverage when such service is
18 furnished in-person;

19 “(B) that is medically necessary (as deter-
20 mined by the health care provider furnishing
21 such service); and

22 “(C) that is able to be safely and effec-
23 tively furnished via a telecommunications sys-
24 tem.

1 “(2) QUALIFYING TELECOMMUNICATIONS SYS-
2 TEM.—The term ‘qualifying telecommunications sys-
3 tem’ means a telecommunications system that in-
4 cludes, at a minimum, audio capabilities permitting
5 two-way, real-time interactive communication be-
6 tween the individual receiving an eligible service via
7 such system and the health care provider furnishing
8 such system, including a telephone,
9 videoconferencing system, internet communications
10 system, streaming media communications system,
11 and such other system as specified by the Secretary
12 of Health and Human Services.”.

13 (b) APPLICATION.—The amendment made by sub-
14 section (a) shall apply with respect to plan years beginning
15 on or after January 1, 2021.

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