

116TH CONGRESS
2D SESSION

H. R. 8528

To extend certain provisions relating to telehealth services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2020

Mr. WILLIAMS 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

A BILL

To extend certain provisions relating to telehealth services,
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 “Ensuring Telehealth
5 Expansion Act of 2020”.

6 **SEC. 2. EXTENSION OF CERTAIN PROVISIONS RELATING TO**
7 **TELEHEALTH SERVICES.**

8 (a) EXEMPTION FOR TELEHEALTH SERVICES.—

1 (1) IN GENERAL.—Subparagraph (E) of section
2 223(c)(2) of the Internal Revenue Code of 1986 is
3 amended by striking “December 31, 2021” and in-
4 serting “December 31, 2025”.

5 (2) CERTAIN COVERAGE DISREGARDED.—
6 Clause (ii) of section 223(c)(1)(B) of the Internal
7 Revenue Code of 1986 is amended by striking “De-
8 cember 31, 2021” and inserting “December 31,
9 2025”.

10 (3) EFFECTIVE DATE.—The amendments made
11 by this subsection shall take effect on the date of the
12 enactment of this Act.

13 (b) INCREASING MEDICARE TELEHEALTH FLEXI-
14 BILITIES DURING LIMITED PERIOD.—Section 1135(b)(8)
15 of the Social Security Act (42 U.S.C. 1320b–5(b)(8)) is
16 amended by striking “during any portion of any emer-
17 gency period” and inserting “during any portion of the
18 period beginning on the first day of the emergency period
19 described in subsection (g)(1)(B) and ending on December
20 31, 2025”.

21 (c) ENHANCING MEDICARE TELEHEALTH SERVICES
22 FOR FEDERALLY QUALIFIED HEALTH CENTERS AND
23 RURAL HEALTH CLINICS DURING LIMITED PERIOD;
24 ELIMINATING SPECIAL PAYMENT RULE FOR SUCH SERV-
25 ICES.—

1 (1) IN GENERAL.—Paragraph (8) of section
2 1834(m) of the Social Security Act (42 U.S.C.
3 1395m(m)) is amended to read as follows:

4 “(8) ENHANCING TELEHEALTH SERVICES FOR
5 FEDERALLY QUALIFIED HEALTH CENTERS AND
6 RURAL HEALTH CLINICS DURING LIMITED PE-
7 RIOD.—During the period beginning on the first day
8 of the emergency period described in section
9 1135(g)(1)(B) and ending on December 31, 2025—

10 “(A) the Secretary shall pay for telehealth
11 services that are furnished via a telecommuni-
12 cations system by a Federally qualified health
13 center or a rural health clinic to an eligible tele-
14 health individual enrolled under this part not-
15 withstanding that the Federally qualified health
16 center or rural clinic providing the telehealth
17 service is not at the same location as the bene-
18 ficiary; and

19 “(B) for purposes of this subsection—

20 “(i) the term ‘distant site’ includes a
21 Federally qualified health center or rural
22 health clinic that furnishes a telehealth
23 service to an eligible telehealth individual;
24 and

1 “(ii) the term ‘telehealth services’ in-
2 cludes a rural health clinic service or Fed-
3 erally qualified health center service that is
4 furnished using telehealth to the extent
5 that payment codes corresponding to serv-
6 ices identified by the Secretary under
7 clause (i) or (ii) of paragraph (4)(F) are
8 listed on the corresponding claim for such
9 rural health clinic service or Federally
10 qualified health center service.”.

11 (2) CONFORMING AMENDMENT.—Section
12 1834(m)(2)(A) of the Social Security Act (42 U.S.C.
13 1395m(m)(2)(A)) is amended by striking “Subject
14 to paragraph (8), the” and inserting “The”.

15 (3) EFFECTIVE DATE.—The amendments made
16 by this subsection shall take effect as if included in
17 the enactment of the CARES Act (Public Law 116–
18 136).

19 (d) TEMPORARY WAIVER OF REQUIREMENTS FOR
20 FACE-TO-FACE VISITS BETWEEN HOME DIALYSIS PA-
21 TIENTS AND PHYSICIANS.—Section 1881(b)(3)(B)(iii) of
22 the Social Security Act (42 U.S.C. 1395rr(b)(3)(B)(iii))
23 is amended by striking “during the emergency period de-
24 scribed in section 1135(g)(1)(B)” and inserting “during
25 the period beginning on the first day of the emergency

1 period described in section 1135(g)(1)(B) and ending on
2 December 31, 2025”.

3 (e) USE OF TELEHEALTH TO CONDUCT FACE-TO-
4 FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELI-
5 GIBILITY FOR HOSPICE CARE DURING LIMITED PE-
6 RIOD.—Section 1814(a)(7)(D)(i)(II) of the Social Security
7 Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by strik-
8 ing “during the emergency period described in section
9 1135(g)(1)(B)” and inserting “during the period begin-
10 ning on the first day of the emergency period described
11 in section 1135(g)(1)(B) and ending on December 31,
12 2025”.

13 (f) ENCOURAGING USE OF TELECOMMUNICATIONS
14 SYSTEMS FOR HOME HEALTH SERVICES FURNISHED
15 DURING LIMITED PERIOD.—Section 3707 of the CARES
16 Act (Public Law 116–136) is amended by striking “during
17 the emergency period described in section 1135(g)(1)(B)
18 of such Act (42 U.S.C. 1320b–5(g)(1)(B))” and inserting
19 “during the period beginning on the first day of the emer-
20 gency period described in section 1135(g)(1)(B) of such
21 Act (42 U.S.C. 1320b–5(g)(1)(B)) and ending on Decem-
22 ber 31, 2025”.

1 **SEC. 3. TEMPORARY NONAPPLICATION OF ORIGINATING**
2 **SITE REQUIREMENTS WITH RESPECT TO**
3 **TELEHEALTH SERVICES UNDER MEDICARE**
4 **PROGRAM.**

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

7 (1) in clause (i), by inserting before “para-
8 graphs (5), (6), and (7)” the following: “clause (iii)
9 and”; and

10 (2) by adding at the end the following new
11 clause:

12 “(iii) TEMPORARY NONAPPLICATION
13 OF ORIGINATING SITE REQUIREMENTS.—
14 For the period beginning on the first day
15 of the emergency period described in sec-
16 tion 1135(g)(1)(B) and ending on Decem-
17 ber 31, 2025, the term ‘originating site’
18 means any site at which the eligible tele-
19 health individual is located at the time the
20 service is furnished via a telecommuni-
21 cations system.”.

22 **SEC. 4. REPORT BY COMPTROLLER GENERAL.**

23 The Comptroller General of the United States shall
24 submit to Congress—

25 (1) not later than December 31, 2023, a report
26 on the success and limitations of implementing the

1 statutory provisions amended by sections 2 and 3,
2 including—

3 (A) details of any savings or costs to the
4 Federal Government that are attributable to the
5 implementation of such provisions; and

6 (B) an analysis of how the implementation
7 of such provisions have impacted rural hos-
8 pitals; and

9 (2) not later than December 31, 2025, updates
10 regarding the report described in paragraph (1).

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