

116TH CONGRESS
2D SESSION

H. R. 8727

To amend title XVIII of the Social Security Act to make permanent certain telehealth flexibilities under the Medicare program related to the COVID–19 public health emergency.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2020

Mr. CARTER of Georgia (for himself, Ms. BLUNT ROCHESTER, and Mrs. RODGERS of Washington) 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 make permanent certain telehealth flexibilities under the Medicare program related to the COVID–19 public health emergency.

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 Moderniza-
5 tion Act”.

1 **SEC. 2. EXTENDING MEDICARE TELEHEALTH FLEXIBILI-**
2 **TIES.**

3 (a) **EXPANDING ACCESS TO TELEHEALTH SERV-**
4 **ICES.—**

5 (1) **IN GENERAL.—**Section 1834(m)(4)(C) of
6 the Social Security Act (42 U.S.C. 1395m(m)(4)(C))
7 is amended by adding at the end the following new
8 clause:

9 “(iii) **EXPANDING ACCESS TO TELE-**
10 **HEALTH SERVICES.—**With respect to tele-
11 health services furnished beginning on the
12 first day after the end of the emergency
13 period described in section 1135(g)(1)(B)
14 of this clause, the term ‘originating site’
15 means any site at which the eligible tele-
16 health individual is located at the time the
17 service is furnished via a telecommuni-
18 cations system, including the home of an
19 individual.”.

20 (2) **CONFORMING AMENDMENTS.—**Such section
21 is amended—

22 (A) in paragraph (2)(B)—

23 (i) in clause (i), in the matter pre-
24 ceding subclause (I), by striking “clause
25 (ii)” and inserting “clauses (ii) and (iii)”;
26 and

1 (ii) by adding at the end the following
2 new clause:

3 “(iii) NO FACILITY FEE FOR NEW
4 SITES.—With respect to telehealth services
5 furnished on or after the date of enact-
6 ment of this clause, a facility fee shall only
7 be paid under this subparagraph to an
8 originating site that is described in para-
9 graph (4)(C)(ii) (other than subclause (X)
10 of such paragraph).”;

11 (B) in paragraph (4)(C)—

12 (i) in clause (i), in the matter pre-
13 ceding subclause (I), by inserting “and
14 clause (iii)” after “and (7)”; and

15 (ii) in clause (ii)(X), by inserting
16 “prior to the first day after the end of the
17 emergency period described in section
18 1135(g)(1)(B)” before the period;

19 (C) in paragraph (5), by inserting “and
20 prior to the first day after the end of the emer-
21 gency period described in section
22 1135(g)(1)(B)” after “January 1, 2019,”;

23 (D) in paragraph (6)(A), by inserting “and
24 prior to the first day after the end of the emer-

1 gency period described in section
2 1135(g)(1)(B),” after “January 1, 2019,”; and
3 (E) in paragraph (7), by inserting “and
4 prior to the first day after the end of the emer-
5 gency period described in section
6 1135(g)(1)(B),” after “July 1, 2019,”.

7 (b) EXPANDING PRACTITIONERS ELIGIBLE TO FUR-
8 NISH TELEHEALTH SERVICES.—Section 1834(m) of the
9 Social Security Act (42 U.S.C. 1395m(m)) is amended—

10 (1) in paragraph (1), by striking “(described in
11 section 1842(b)(18)(C))” and inserting “(defined in
12 paragraph (4)(E))”; and

13 (2) in paragraph (4)(E)—

14 (A) by striking “PRACTITIONER.—The
15 term” and inserting “PRACTITIONER.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), the term”; and

18 (B) by adding at the end the following new
19 subparagraph:

20 “(B) EXPANSION.—The Secretary, after
21 consulting with stakeholders regarding services
22 that are clinically appropriate, may expand the
23 types of practitioners who may furnish tele-
24 health services to include any health care pro-

1 fessional that is eligible to bill the program
2 under this title for their professional services.”.

3 (c) RETENTION OF ADDITIONAL SERVICES AND SUB-
4 REGULATORY PROCESS FOR MODIFICATIONS FOLLOWING
5 EMERGENCY PERIOD.—Section 1834(m)(4)(F) of the So-
6 cial Security Act (42 U.S.C. 1395m(m)(4)(F)) is amend-
7 ed—

8 (1) in clause (i), by inserting “and clause (iii)”
9 after “paragraph (8)”;

10 (2) in clause (ii), by striking “The Secretary”
11 and inserting “Subject to clause (iii), the Sec-
12 retary”; and

13 (3) by adding at the end the following new
14 clause:

15 “(iii) RETENTION OF ADDITIONAL
16 SERVICES AND SUBREGULATORY PROCESS
17 FOR MODIFICATIONS FOLLOWING EMER-
18 GENCY PERIOD.—With respect to tele-
19 health services furnished after the last day
20 of the emergency period described in sec-
21 tion 1135(g)(1)(B), the Secretary may—

22 “(I) retain as appropriate the ex-
23 panded list of telehealth services spec-
24 ified in clause (i) pursuant to the
25 waiver authority under section

1 1135(b)(8) during such emergency pe-
2 riod; and

3 “(II) retain the subregulatory
4 process used to modify the services in-
5 cluded on the list of such telehealth
6 services pursuant to clause (ii) during
7 such emergency period.”.

8 (d) ENHANCING TELEHEALTH SERVICES FOR FED-
9 ERALLY QUALIFIED HEALTH CENTERS AND RURAL
10 HEALTH CLINICS.—Section 1834(m)(8) of the Social Se-
11 curity Act (42 U.S.C. 1395m(m)(8)) is amended—

12 (1) in the paragraph heading by inserting “AND
13 AFTER” after “DURING”;

14 (2) in subparagraph (A), in the matter pre-
15 ceding clause (i), by inserting “and after” after
16 “During”; and

17 (3) in the first sentence of subparagraph (B)(i),
18 by inserting “and after” after “during”.

19 (e) USE OF TELEHEALTH, AS CLINICALLY APPRO-
20 PRIATE, TO CONDUCT FACE-TO-FACE ENCOUNTER FOR
21 HOSPICE CARE.—Section 1814(a)(7)(D)(i)(II) of the So-
22 cial Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is
23 amended by inserting “and after such emergency period
24 as clinically appropriate” after “1135(g)(1)(B)”.

1 (f) USE OF TELEHEALTH, AS CLINICALLY APPRO-
2 PRIATE, TO CONDUCT FACE-TO-FACE CLINICAL ASSESS-
3 MENTS FOR HOME DIALYSIS.—Clause (iii) of section
4 1881(b)(3)(B) of the Social Security Act (42 U.S.C.
5 1395rr(b)(3)(B)) is amended—

6 (1) by moving such clause 4 ems to the left;

7 and

8 (2) by inserting “and after such emergency pe-
9 riod as clinically appropriate” before the period.

10 (g) IMPLEMENTATION.—Notwithstanding any provi-
11 sion of law, the Secretary may implement the provisions
12 of, and amendments made by, this section by interim final
13 rule, program instruction, or otherwise.

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