

116TH CONGRESS
2D SESSION

S. 3999

To amend title XVIII of the Social Security Act to ensure access to mental health and behavioral health services furnished through telehealth under the Medicare program.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2020

Mr. KING (for himself and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to ensure access to mental health and behavioral health services furnished through telehealth 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 “Mental and Behavioral
5 Health Connectivity Act”.

1 **SEC. 2. ENSURING ACCESS TO MENTAL HEALTH AND BE-**
2 **HAVIORAL HEALTH SERVICES FURNISHED**
3 **THROUGH TELEHEALTH.**

4 Section 1834(m) of the Social Security Act (42
5 U.S.C. 1395m(m)) is amended by adding at the end the
6 following new paragraph:

7 “(9) ENSURING ACCESS TO MENTAL HEALTH
8 AND BEHAVIORAL HEALTH SERVICES FURNISHED
9 THROUGH TELEHEALTH.—

10 “(A) IN GENERAL.—The following require-
11 ments shall not apply with respect to telehealth
12 services that are mental health or behavioral
13 health services, as determined by the Secretary,
14 furnished on or after January 1, 2021, to an el-
15 igible telehealth individual:

16 “(i) The requirements described in
17 paragraph (4)(C) (relating to geographic
18 and site requirements for originating
19 sites).

20 “(ii) The requirements described in
21 paragraph (4)(E) and section 410.78(b)(2)
22 of title 42, Code of Federal Regulations, or
23 any successor regulations (relating to the
24 types of practitioners that may furnish
25 telehealth services at a distant site).

1 “(iii) The requirements described in
2 paragraph (1) and section 410.78(a)(3) of
3 title 42, Code of Federal regulations, or
4 any successor regulations (relating to use
5 of interactive telecommunications systems
6 to furnish telehealth services), but only to
7 the extent that such provisions require use
8 of video technology in order to allow for
9 the use of audio-only equipment.

10 “(B) NO FACILITY FEE IF ORIGINATING
11 SITE IS THE HOME.—In accordance with clause
12 (ii) of paragraph (2)(B), no facility fee shall be
13 paid under such paragraph to an originating
14 site with respect to a telehealth service de-
15 scribed in subparagraph (A) if the originating
16 site is the home of an individual.”.

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