

117TH CONGRESS  
1ST SESSION

# H. R. 2228

To allow for payment of outpatient critical access hospital services furnished through telehealth under the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2021

Mr. KILDEE (for himself and Mr. WENSTRUP) 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

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## A BILL

To allow for payment of outpatient critical access hospital 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 “Rural Behavioral  
5 Health Access Act of 2021”.

1 **SEC. 2. ALLOWING FOR PAYMENT OF OUTPATIENT CRIT-**  
2 **ICAL ACCESS HOSPITAL SERVICES FUR-**  
3 **NISHED THROUGH TELEHEALTH UNDER THE**  
4 **MEDICARE PROGRAM.**

5 (a) IN GENERAL.—Notwithstanding section 1834(m)  
6 of the Social Security Act (42 U.S.C. 1395m(m)) and sub-  
7 ject to subsection (b), the Secretary of Health and Human  
8 Services shall provide payment under section 1834(g) of  
9 such Act (42 U.S.C. 1395m(g)) for outpatient critical ac-  
10 cess hospital services consisting of behavioral therapy serv-  
11 ices furnished by a critical access hospital to an individual  
12 on or after January 1, 2021, via telecommunications tech-  
13 nology, notwithstanding the fact that such individual is  
14 not located at such hospital.

15 (b) INITIATION OF SERVICES VIA TELEHEALTH.—In  
16 the case of an individual receiving services described in  
17 subsection (a) from a critical access hospital, if such indi-  
18 vidual has not, prior to receiving such services, received  
19 in-person care at such hospital, payment shall be made  
20 to such hospital in accordance with such subsection only  
21 if such services complement a plan of care that includes  
22 in-person care to be furnished at such hospital not later  
23 than 1 year after the date such services are furnished.

24 (c) DEFINITIONS.—For purposes of this section:

25 (1) CRITICAL ACCESS HOSPITAL.—The term  
26 “critical access hospital” has the meaning given

1 such term in section 1861(mm)(1) of the Social Se-  
2 curity Act (42 U.S.C. 1395x(mm)(1)).

3 (2) OUTPATIENT CRITICAL ACCESS HOSPITAL  
4 SERVICES.—The term “outpatient critical access  
5 hospital services” has the meaning given such term  
6 in section 1861(mm)(3) of such Act (42 U.S.C.  
7 1395x(mm)(3)).

8 (3) TELECOMMUNICATIONS TECHNOLOGY.—The  
9 term “telecommunications technology” means a com-  
10 munications system permitting two-way, real-time  
11 interactive communication between the individuals  
12 and health care professional and includes a commu-  
13 nications system consisting of only audio capabili-  
14 ties, but only if such individual does not have access  
15 to a communications system with audio-visual capa-  
16 bilities.

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