

117TH CONGRESS
1ST SESSION

S. 1798

To provide for strategies to increase access to telehealth under the Medicaid program and Children’s Health Insurance Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2021

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

A BILL

To provide for strategies to increase access to telehealth under the Medicaid program and Children’s Health Insurance Program, 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 Improve-
5 ment for Kids’ Essential Services Act” or the “TIKES
6 Act”.

1 **SEC. 2. STRATEGIES TO INCREASE ACCESS TO TELE-**
2 **HEALTH UNDER MEDICAID AND CHILDREN'S**
3 **HEALTH INSURANCE PROGRAM.**

4 (a) GUIDANCE.—Not later than 1 year after the date
5 of the enactment of this Act, the Secretary of Health and
6 Human Services shall issue and disseminate guidance to
7 States to clarify strategies to overcome existing barriers
8 and increase access to telehealth under the Medicaid pro-
9 gram under title XIX of the Social Security Act (42
10 U.S.C. 1396 et seq.) and the Children's Health Insurance
11 Program under title XXI of such Act (42 U.S.C. 1397aa
12 et seq.). Such guidance shall include technical assistance
13 and best practices regarding—

- 14 (1) telehealth delivery of covered services;
- 15 (2) recommended voluntary billing codes, modi-
16 fiers, and place-of-service designations for telehealth
17 and other virtual health care services;
- 18 (3) the simplification or alignment (including
19 through reciprocity) of provider licensing,
20 credentialing, and enrollment protocols with respect
21 to telehealth across States, State Medicaid plans
22 under such title XIX, and Medicaid managed care
23 organizations, including during national public
24 health emergencies;

1 (4) existing strategies States can use to inte-
2 grate telehealth and other virtual health care serv-
3 ices into value-based health care models; and

4 (5) examples of States that have used waivers
5 under the Medicaid program to test expanded access
6 to telehealth, including during the emergency period
7 described in section 1135(g)(1)(B) of the Social Se-
8 curity Act (42 U.S.C. 1320b–5(g)(1)(B)).

9 (b) STUDIES.—

10 (1) TELEHEALTH IMPACT ON HEALTH CARE
11 ACCESS.—Not later than 1 year after the date of the
12 enactment of this Act, the Medicaid and CHIP Pay-
13 ment and Access Commission shall conduct a study,
14 with respect to a minimum of 10 States across geo-
15 graphic regions of the United States, and submit to
16 Congress a report, on the impact of telehealth on
17 health care access, utilization, cost, and outcomes,
18 broken down by race, ethnicity, sex, age, disability
19 status, and zip code. Such report shall—

20 (A) evaluate cost, access, utilization, out-
21 comes, and patient experience data from across
22 the health care field, including States, Medicaid
23 managed care organizations, provider organiza-
24 tions, and other organizations that provide or

1 pay for telehealth under the Medicaid program
2 and Children's Health Insurance Program;

3 (B) identify barriers and potential solu-
4 tions to provider entry and participation in tele-
5 health that States are experiencing, as well as
6 barriers to providing telehealth across State
7 lines, including during times of public health
8 crisis or public health emergency;

9 (C) determine the frequency at which out-
10 of-State telehealth is provided to patients en-
11 rolled in the Medicaid program and the poten-
12 tial impact on access to telehealth if State Med-
13 icaid policies were more aligned; and

14 (D) identify and evaluate opportunities for
15 more alignment among such policies to promote
16 access to telehealth across all States, State
17 Medicaid plans under title XIX of the Social
18 Security Act (42 U.S.C. 1396 et seq.), State
19 child health plans under title XXI of such Act
20 (42 U.S.C. 1397aa et seq.), and Medicaid man-
21 aged care organizations, including the potential
22 for regional compacts or reciprocity agreements.

23 (2) FEDERAL AGENCY TELEHEALTH COLLABO-
24 RATION.—Not later than 1 year after the date of the
25 enactment of this Act, the Comptroller General of

1 the United States shall conduct a study and submit
2 to Congress a report evaluating collaboration be-
3 tween Federal agencies with respect to telehealth
4 services furnished under the Medicaid or CHIP pro-
5 gram to individuals under the age of 18, including
6 such services furnished to such individuals in early
7 care and education settings. Such report shall in-
8 clude recommendations on—

9 (A) opportunities for Federal agencies to
10 improve collaboration with respect to such tele-
11 health services; and

12 (B) opportunities for collaboration between
13 Federal agencies to expand telehealth access to
14 such individuals enrolled under the Medicaid or
15 CHIP program, including in early care and
16 education settings.

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