

117TH CONGRESS
2D SESSION

S. 4965

To amend title XVIII of the Social Security Act to remove in-person requirements under Medicare for mental health services furnished through telehealth and telecommunications technology.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2022

Mr. SULLIVAN 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 remove in-person requirements under Medicare for mental health services furnished through telehealth and telecommunications technology.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REMOVING THE IN-PERSON REQUIREMENTS**
2 **UNDER MEDICARE FOR MENTAL HEALTH**
3 **SERVICES FURNISHED THROUGH TELE-**
4 **HEALTH AND TELECOMMUNICATIONS TECH-**
5 **NOLOGY.**

6 (a) REMOVING IN-PERSON REQUIREMENTS FOR
7 MENTAL HEALTH SERVICES FURNISHED THROUGH
8 TELEHEALTH.—Section 1834(m)(7) of the Social Secu-
9 rity Act (42 U.S.C. 1395m(m)(7)) is amended to read as
10 follows:

11 “(7) TREATMENT OF SUBSTANCE USE DIS-
12 ORDER SERVICES AND MENTAL HEALTH SERVICES
13 FURNISHED THROUGH TELEHEALTH.—The geo-
14 graphic requirements described in paragraph
15 (4)(C)(i) shall not apply with respect to telehealth
16 services furnished on or after July 1, 2019, to an el-
17 igible telehealth individual with a substance use dis-
18 order diagnosis for purposes of treatment of such
19 disorder or co-occurring mental health disorder, as
20 determined by the Secretary, or, on or after the first
21 day after the end of the emergency period described
22 in section 1135(g)(1)(B), to an eligible telehealth in-
23 dividual for purposes of diagnosis, evaluation, or
24 treatment of a mental health disorder, as determined
25 by the Secretary, at an originating site described in
26 paragraph (4)(C)(ii) (other than an originating site

1 described in subclause (IX) of such paragraph) or,
 2 for the period for which clause (iii) of paragraph
 3 (4)(C) applies, at any site described in such clause.”.

4 (b) MENTAL HEALTH VISITS FURNISHED BY RURAL
 5 HEALTH CLINICS.—Section 1834(y) of the Social Security
 6 Act (42 U.S.C. 1395m(y)) is amended—

7 (1) in the heading, by striking “TO HOSPICE
 8 PATIENTS”; and

9 (2) in paragraph (2), by striking “prior to the
 10 day that is the 152nd day after the end of the emer-
 11 gency period described in section 1135(g)(1)(B))”.

12 (c) MENTAL HEALTH VISITS FURNISHED BY FEDER-
 13 ALLY QUALIFIED HEALTH CENTERS.—Section
 14 1834(o)(4) of the Social Security Act (42 U.S.C.
 15 1395m(o)(4) is amended—

16 (1) in the heading, by striking “TO HOSPICE
 17 PATIENTS”; and

18 (2) in subparagraph (B), by striking “prior to
 19 the day that is the 152nd day after the end of the
 20 emergency period described in section
 21 1135(g)(1)(B))”.

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