

118TH CONGRESS
2D SESSION

H. R. 9457

To amend the Employee Retirement Income Security Act of 1974 to prohibit increased payments under a group health plan or group health insurance coverage for telehealth services furnished by a provider located at a facility.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2024

Mr. BEAN of Florida introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, 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 the Employee Retirement Income Security Act of 1974 to prohibit increased payments under a group health plan or group health insurance coverage for telehealth services furnished by a provider located at a facility.

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 “Transparent Tele-
5 health Bills Act of 2024”.

1 **SEC. 2. PROHIBITING INCREASED PAYMENTS UNDER A**
2 **GROUP HEALTH PLAN OR GROUP HEALTH IN-**
3 **SURANCE COVERAGE FOR TELEHEALTH**
4 **SERVICES FURNISHED BY A PROVIDER LO-**
5 **CATED AT A FACILITY.**

6 (a) IN GENERAL.—Subpart B of part 7 of subtitle
7 B of title I of the Employee Retirement Income Security
8 Act of 1974 (29 U.S.C. section 1185 et seq.) is amended
9 by adding at the end the following new section:

10 **“SEC. 726. PROHIBITION ON INCREASED PAYMENTS FOR**
11 **TELEHEALTH SERVICES FURNISHED BY A**
12 **PROVIDER LOCATED AT A FACILITY.**

13 “(a) IN GENERAL.—In the case of a telehealth serv-
14 ice furnished to a participant or beneficiary of a group
15 health plan or group health insurance coverage by a health
16 care provider located at a health care facility, the total
17 amount recognized by such plan or coverage as payment
18 for such service (including any facility fee or other amount
19 that may be billed separately by such facility in relation
20 to such provider’s furnishing of such service) may not ex-
21 ceed the total amount that would have been recognized
22 by such plan or coverage as payment for such service had
23 such provider not been located at such a facility.

24 “(b) TELEHEALTH SERVICE DEFINED.—For pur-
25 poses of this section, the term ‘telehealth service’ means
26 a service furnished by a health care provider via a tele-

1 communications system where such provider is not at the
2 same location as the individual receiving such service.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1 of such Act is amended by inserting after the
5 item relating to section 725 the following new item:

“Sec. 726. Prohibition on increased payments for telehealth services furnished
by a provider located at a facility.”.

6 (c) REPORT.—Not later than 18 months after the
7 date of the enactment of this Act, the Comptroller General
8 of the United States shall submit to Congress a report
9 on what is known about the use of telehealth under group
10 health plans and group or individual health insurance cov-
11 erage (as such terms are defined in section 2791 of the
12 Public Health Service Act (42 U.S.C. 1395x)). Such re-
13 port shall include the following:

14 (1) Trends and statistics regarding the use of
15 telehealth for specific types of care, including pri-
16 mary care, mental health care, and specialty care.

17 (2) Trends and statistics regarding the avail-
18 ability, access, and utilization of telehealth services
19 by individuals residing in rural areas and urban
20 areas.

21 (3) Trends and statistics regarding the applica-
22 tion of hospital facility fees in the context of tele-
23 health services.

1 (4) Trends and statistics regarding how individ-
2 uals access telehealth services, including with respect
3 to the devices used and tools offered by such plans
4 and issuers of such coverage to facilitate access to
5 such services and with respect to the utilization of
6 audio-only telehealth services.

7 (5) Trends and statistics with respect to indi-
8 viduals accessing telehealth services provided from
9 physicians or other medical professionals residing in
10 a State other than the State that the individual is
11 located in while receiving such services and with re-
12 spect to applicable State laws or State-to-State com-
13 pacts that impact cross-State provision of telehealth
14 services.

15 (6) Trends and statistics regarding payment
16 and reimbursement for telehealth services.

17 (7) Trends and statistics regarding premiums
18 for such plans and coverage offering telehealth serv-
19 ices.

20 (d) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply to plan years beginning on or
22 after January 1, 2026.

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