

(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R.

To amend title XVIII of the Social Security Act to protect access to telehealth services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

Mr. PAPPAS introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to protect access to telehealth services 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 “Protecting Rural Tele-
5 health Access Act”.

6 SEC. 2. ELIMINATION OF RESTRICTIONS RELATING TO

7 TELEHEALTH SERVICES.

8 (a) ELIMINATION OF GEOGRAPHIC REQUIREMENTS
9 FOR ORIGINATING SITES.—Section 1834(m)(4)(C) of the

1 Social Security Act (42 U.S.C. 1395m(m)(4)(C)) is
2 amended—

3 (1) in clause (i), in the matter preceding sub-
4 clause (I), by striking “clause (iii)” and inserting
5 “clauses (iii) and (iv)”; and

6 (2) by adding at the end the following new
7 clause:

8 “(iv) ELIMINATION OF GEOGRAPHIC
9 REQUIREMENTS FOR ORIGINATING
10 SITES.—The geographic requirements de-
11 scribed in clause (i) shall not apply with
12 respect to telehealth services furnished on
13 or after January 1, 2027.”.

14 (b) ELIMINATION OF RESTRICTIONS IN WHICH
15 TELEHEALTH SERVICES MAY BE FURNISHED IN THE
16 HOME.—Section 1834(m)(4)(C)(ii)(X) of the Social Secu-
17 rity Act (42 U.S.C. 1395m(m)(4)(C)(i)(X)) is amended to
18 read as follows:

19 “(X)(aa) For the period begin-
20 ning on the date of the enactment of
21 this subclause and ending on Decem-
22 ber 31, 2026, the home of an indi-
23 vidual but only for purposes of section
24 1881(b)(3)(B) or telehealth services
25 described in paragraph (7).

4 (c) ELIMINATION OF RESTRICTIONS ON STORE-AND-
5 FORWARD TECHNOLOGIES.—The second sentence of sec-
6 tion 1834(m)(1) of the Social Security Act (42 U.S.C.
7 1395m(m)(1)) is amended by striking “in the case of any
8 Federal telemedicine demonstration program conducted in
9 Alaska or Hawaii.”.

10 SEC. 3. TELEHEALTH FLEXIBILITIES FOR CRITICAL ACCESS 11 HOSPITALS.

12 Section 1834(m) of the Social Security Act (42
13 U.S.C. 1395m(m)) is amended—

14 (1) in the first sentence of paragraph (1), by
15 striking “and (9)” and inserting “(9) and (10)”:.

16 (2) in paragraph (2)(A), by striking “paragraph
17 (8)” and inserting “paragraphs (8) and (10)”:

18 (3) in paragraph (4)—

19 (A) in subparagraph (A), by striking
20 “paragraph (8)” and inserting “paragraphs (8)
21 and (10)”:.

22 (B) in subparagraph (F)(i), by striking
23 “paragraph (8)” and inserting “paragraphs (8)
24 and (10)”; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(10) TELEHEALTH FLEXIBILITIES FOR CRIT-
4 ICAL ACCESS HOSPITALS.—

1 “(I) the term ‘distant site’ in-
2 cludes a critical access hospital that
3 furnishes a telehealth service to an eli-
4 gible telehealth individual; and

5 “(II) the term ‘telehealth serv-
6 ices’ includes behavioral health serv-
7 ices and any other outpatient critical
8 access hospital service that is fur-
9 nished using telehealth to the extent
10 that payment codes corresponding to
11 services identified by the Secretary
12 under clause (i) or (ii) of paragraph
13 (4)(F) are listed on the corresponding
14 claim for such critical access hospital
15 service.

16 “(B) DEFINITION OF QUALIFIED PRO-
17 VIDER.—For purposes of this subsection, the
18 term ‘qualified provider’ means, with respect to
19 a telehealth service described in subparagraph
20 (A)(i) that is furnished to an eligible telehealth
21 individual, a critical access hospital that has an
22 established patient relationship with such indi-
23 vidual as defined by the State in which the indi-
24 vidual is located.

1 “(C) PAYMENT.—The amount of payment
2 to a critical access hospital that serves as a dis-
3 tant site that furnishes a telehealth service to
4 an eligible telehealth individual under this para-
5 graph shall be equal to 101 percent of the rea-
6 sonable costs of the hospital in providing such
7 services, unless the hospital makes an election
8 under paragraph (2) of section 1834(g) to be
9 paid for such services based on the methodology
10 described in such paragraph. Telehealth services
11 furnished by a critical access hospital shall be
12 counted for purposes of determining the pro-
13 vider productivity rate of the critical access hos-
14 pital for purposes of payment under such sec-
15 tion.

16 “(D) IMPLEMENTATION.—Notwithstanding
17 any other provision of law, the Secretary may
18 implement this paragraph through program in-
19 struction, interim final rule, or otherwise.”.

20 **SEC. 4. EXTENDING MEDICARE TELEHEALTH FLEXIBILI-**
21 **TIES FOR FEDERALLY QUALIFIED HEALTH**
22 **CENTERS AND RURAL HEALTH CLINICS.**

23 Section 1834(m)(8) of the Social Security Act (42
24 U.S.C. 1395m(m)(8)), as amended by section 4113(c) of

1 division FF of the Consolidated Appropriations Act, 2023

2 (Public Law 117–328) is amended—

3 (1) in subparagraph (A), in the matter pre-
4 ceding clause (i), by inserting “, and on or after
5 January 1, 2027” after “December 31, 2024”;

6 (2) by striking subparagraph (B) and inserting
7 the following:

1 “(I) the geography of Federally
2 qualified health centers and rural
3 health clinics;

4 “(II) costs associated with the
5 delivery of such telehealth services as
6 allowable costs for the center or clinic;
7 and

8 “(III) the full cost of providing
9 the services via telehealth.

10 “(iii) IMPLEMENTATION.—

11 “(I) CODING SYSTEM.—The Sec-
12 retary shall establish an effective cod-
13 ing system for telehealth services de-
14 scribed in clause (i) that is reflective
15 of the services provided at a center or
16 clinic.

17 “(II) IMPLEMENTATION.—Not-
18 withstanding any other provision of
19 law, the Secretary may implement this
20 subparagraph through program in-
21 struction, interim final rule, or other-
22 wise.”; and

23 (3) by adding at the end the following new sub-
24 paragraph:

1 “(C) REQUIREMENT DURING ADDITIONAL
2 PERIOD.—

1 **SEC. 5. ALLOWANCE OF CERTAIN TELEHEALTH SERVICES**2 **FURNISHED USING AUDIO-ONLY TECHNOLOGY.**

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

8 **“(G) TELECOMMUNICATIONS SYSTEM.—**

9 **“(i) IN GENERAL.—**Notwithstanding
10 paragraph (1) and section 410.78(a)(3) of
11 title 42, Code of Federal Regulations (or
12 any successor regulation), subject to clause
13 (v), on or after January 1, 2027, the term
14 ‘telecommunications system’ includes, in
15 the case of the furnishing of a specified
16 telehealth service (as defined in clause (ii))
17 a communications system that uses audio-
18 only technology.

19 **“(ii) SPECIFIED TELEHEALTH SERVICE.—**In this subparagraph, the term
20 ‘specified telehealth service’ means a tele-
21 health service described in clause (iii) that
22 is furnished by a qualified provider (as de-
23 fined in clause (iv)).

24 **“(iii) TELEHEALTH SERVICE DESCRIBED.—**Subject to clause (vi), a tele-

1 health service described in this clause is a
2 telehealth service consisting of—

3 “(I) evaluation and management
4 services;

5 “(II) behavioral health counseling
6 and educational services; and

7 “(III) other services determined
8 appropriate by the Secretary.

9 “(iv) **QUALIFIED PROVIDER DEFINED.**—For purposes of clause (ii), the
10 term ‘qualified provider’ means, with respect to a specified telehealth service that
11 is furnished to an eligible telehealth individual—

12 “(I) a physician or practitioner
13 who has an established patient relationship with such individual as defined by the State in which the individual is located; or

14 “(II) a critical access hospital (as defined in section 1861(mm)(1)), a rural health clinic (as defined in section 1861(aa)(2)), a Federally qualified health center (as defined in section 1861(aa)(4)), a hospital (as de-

1 the furnishing of specified telehealth
2 services through audio-only technology
3 pursuant to this paragraph. Such re-
4 view shall include an analysis of the
5 impact of the roll out of broadband
6 technology and whether the use of
7 audio-only technology is necessary to
8 ensure access to such telehealth serv-
9 ices.

1 paid for such service under this subsection
2 had such service been furnished via any
3 other telecommunications system author-
4 ized under this subsection.”.

5 **SEC. 6. SENSE OF CONGRESS REGARDING EXPANSION OF**
6 **ELIGIBLE PRACTITIONERS THAT MAY FUR-**
7 **NISH TELEHEALTH SERVICES.**

8 It is the sense of Congress that the expansion of eligi-
9 ble practitioners that may furnish telehealth services (as
10 defined in section 1834(m)(4)(F) of the Social Security
11 Act (42 U.S.C. 1395m(m)(4)(F))) during the emergency
12 period described in section 1135(g)(1)(B) of such Act (42
13 U.S.C. 1320b-5(g)(1)(B)) should be extended on a perma-
14 nent basis.