

118TH CONGRESS  
2D SESSION

# H. R. 7623

To amend title XVIII of the Social Security Act to make permanent certain telehealth flexibilities under the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2024

Mr. CARTER of Georgia (for himself, Ms. BLUNT ROCHESTER, Mr. STEUBE, Ms. SEWELL, Mrs. MILLER-MEEKS, Mrs. DINGELL, Mr. VAN DREW, and Mr. MORELLE) 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 amend title XVIII of the Social Security Act to make permanent certain telehealth flexibilities 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 “Telehealth Moderniza-  
5 tion Act of 2024”.

1 **SEC. 2. EXTENDING MEDICARE TELEHEALTH FLEXIBILI-**  
2 **TIES.**

3 (a) EXPANDING ACCESS TO TELEHEALTH SERV-  
4 ICES.—

5 (1) IN GENERAL.—Section 1834(m)(4)(C)(iii)  
6 of the Social Security Act (42 U.S.C.  
7 1395m(m)(4)(C)(iii)) is amended by striking “In the  
8 case that” and all that follows through “2024,” and  
9 inserting “Beginning on the date of the enactment  
10 of the Telehealth Modernization Act,”.

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

14 (A) in paragraph (2)(B)(iii), by striking  
15 “In the case that” and all that follows through  
16 “ending December 31, 2024,” and inserting  
17 “With respect to telehealth services furnished  
18 on or after the date of the enactment of the  
19 Telehealth Modernization Act,”;

20 (B) in paragraph (4)(C)(ii)(X), by striking  
21 “, but only for purposes of section  
22 1881(b)(3)(B) or telehealth services described  
23 in paragraph (7)”;

24 (C) in paragraph (5), by inserting “and  
25 prior to the date of the enactment of the Tele-

1 health Modernization Act,” after “January 1,  
2 2019,”;

3 (D) in paragraph (6)(A), by inserting “and  
4 prior to the date of the enactment of the Tele-  
5 health Modernization Act,” after “January 1,  
6 2019,”; and

7 (E) in paragraph (7), by adding at the end  
8 the following new subparagraph:

9 “(C) SUNSET.—The provisions of this  
10 paragraph shall not apply with respect to serv-  
11 ices furnished on or after the date of the enact-  
12 ment of this subparagraph.”.

13 (b) EXPANDING PRACTITIONERS ELIGIBLE TO FUR-  
14 NISH TELEHEALTH SERVICES.—Section 1834(m) of the  
15 Social Security Act (42 U.S.C. 1395m(m)) is amended—

16 (1) in paragraph (1), by striking “(described in  
17 section 1842(b)(18)(C))” and inserting “(defined in  
18 paragraph (4)(E))”; and

19 (2) in paragraph (4)(E)—

20 (A) by striking “PRACTITIONER.—The  
21 term” and inserting “PRACTITIONER.—

22 “(A) IN GENERAL.—Subject to subpara-  
23 graph (B), the term”;

24 (B) in subparagraph (A), as so inserted, by  
25 striking “, in the case that the emergency pe-

1           riod described in section 1135(g)(1)(B) ends  
2           before December 31, 2024, for the period be-  
3           ginning on the first day after the end of such  
4           emergency period and ending on December 31,  
5           2024,”; and

6                   (C) by adding at the end the following new  
7           subparagraph:

8                   “(B) EXPANSION.—The Secretary, after  
9           consulting with stakeholders regarding services  
10          that are clinically appropriate, may expand the  
11          types of practitioners who may furnish tele-  
12          health services to include any health care pro-  
13          fessional that is eligible to bill the program  
14          under this title for their professional services.”.

15          (c) RETENTION OF ADDITIONAL SERVICES AND SUB-  
16          REGULATORY PROCESS FOR MODIFICATIONS FOLLOWING  
17          EMERGENCY PERIOD.—Section 1834(m)(4)(F) of the So-  
18          cial Security Act (42 U.S.C. 1395m(m)(4)(F)) is amend-  
19          ed—

20                   (1) in clause (i), by inserting “and clause (iii)”  
21          after “paragraph (8)”;

22                   (2) in clause (ii), by striking “The Secretary”  
23          and inserting “Subject to clause (iii), the Sec-  
24          retary”; and

1           (3) by adding at the end the following new  
2 clause:

3                   “(iii) RETENTION OF ADDITIONAL  
4 SERVICES AND SUBREGULATORY PROCESS  
5 FOR MODIFICATIONS FOLLOWING EMER-  
6 GENCY PERIOD.—With respect to tele-  
7 health services furnished on or after the  
8 date of the enactment of this clause, the  
9 Secretary may—

10                   “(I) retain as appropriate the ex-  
11 panded list of telehealth services spec-  
12 ified in clause (i) pursuant to the  
13 waiver authority under section  
14 1135(b)(8) during the emergency pe-  
15 riod described in section  
16 1135(g)(1)(B); and

17                   “(II) retain the subregulatory  
18 process used to modify the services in-  
19 cluded on the list of such telehealth  
20 services pursuant to clause (ii) during  
21 such emergency period.”.

22           (d) ENHANCING TELEHEALTH SERVICES FOR FED-  
23 ERALLY QUALIFIED HEALTH CENTERS AND RURAL  
24 HEALTH CLINICS.—Section 1834(m)(8) of the Social Se-  
25 curity Act (42 U.S.C. 1395m(m)(8)) is amended—

1           (1) in subparagraph (A), in the matter pre-  
2           ceding clause (i), by striking “and, in the case” and  
3           all that follows through “2024—” and inserting  
4           “and after such period—”;

5           (2) in subparagraph (B)—

6                 (A) in the header, by inserting “BEFORE  
7                 2025” after “RULE”; and

8                 (B) in clause (i), by striking “during the  
9                 periods for which subparagraph (A) applies”  
10                and inserting “before January 1, 2025”; and

11           (3) by adding at the end the following new sub-  
12           paragraph:

13                 “(C) PAYMENT RULE FOR 2025 AND SUB-  
14                 SEQUENT YEARS.—

15                 “(i) IN GENERAL.—A telehealth serv-  
16                 ice furnished to an eligible telehealth indi-  
17                 vidual by a Federally qualified health cen-  
18                 ter or rural health clinic on or after Janu-  
19                 ary 1, 2025, shall be deemed to be so fur-  
20                 nished to such individual as an outpatient  
21                 of such center or clinic (as applicable) for  
22                 purposes of paragraphs (1) and (3), re-  
23                 spectively, of section 1861(aa), and pay-  
24                 able as a Federally qualified health center  
25                 service or rural health clinic service (as ap-

1 plicable) under the prospective payment  
2 system established under section 1834(o)  
3 or the payment methodology established  
4 under section 1833(a)(3), respectively.

5 “(ii) TREATMENT OF COSTS.—Costs  
6 associated with the delivery of telehealth  
7 services by a Federally qualified health  
8 center or rural health clinic on or after  
9 January 1, 2025, shall be considered allow-  
10 able costs for purposes of the prospective  
11 payment system established under section  
12 1834(o) and any payment methodologies  
13 developed under section 1833(a)(3), as ap-  
14 plicable.”.

15 (e) USE OF TELEHEALTH, AS CLINICALLY APPRO-  
16 PRIATE, TO CONDUCT FACE-TO-FACE ENCOUNTER FOR  
17 HOSPICE CARE.—Section 1814(a)(7)(D)(i)(II) of the So-  
18 cial Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is  
19 amended by striking “, and, in the case” and all that fol-  
20 lows through “ending on December 31, 2024,” and insert-  
21 ing “and after such period, as clinically appropriate,”.

22 (f) USE OF TELEHEALTH, AS CLINICALLY APPRO-  
23 PRIATE, TO CONDUCT FACE-TO-FACE CLINICAL ASSESS-  
24 MENTS FOR HOME DIALYSIS.—Clause (iii) of section

1 1881(b)(3)(B) of the Social Security Act (42 U.S.C.  
2 1395rr(b)(3)(B)) is amended—

3 (1) by moving such clause 4 ems to the left;  
4 and

5 (2) by inserting “and after such emergency pe-  
6 riod as clinically appropriate” before the period.

7 (g) ALLOWING FOR THE USE OF AUDIO-ONLY TELE-  
8 COMMUNICATIONS TECHNOLOGY.—Section 1834(m)(9) of  
9 the Social Security Act (42 U.S.C. 1395m(m)(9)) is  
10 amended—

11 (1) by striking the first sentence and inserting  
12 the following: “The Secretary shall provide coverage  
13 and payment under this part for telehealth services  
14 identified in paragraph (4)(F)(i) as of the date of  
15 the enactment of this paragraph that are furnished  
16 via an audio-only communications system.”; and

17 (2) in the second sentence, by striking “during  
18 such emergency period” and inserting “during the  
19 emergency period described in section  
20 1135(g)(1)(B)”.

21 (h) IMPLEMENTATION.—Notwithstanding any provi-  
22 sion of law, the Secretary may implement the provisions  
23 of, and amendments made by, this section by interim final  
24 rule, program instruction, or otherwise.

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