

113TH CONGRESS  
1ST SESSION

# H. R. 3077

To amend title XVIII of the Social Security Act to permit certain Medicare providers licensed in a State to provide telemedicine services to certain Medicare beneficiaries in a different State.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2013

Mr. NUNES (for himself and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Ways and Means, 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 title XVIII of the Social Security Act to permit certain Medicare providers licensed in a State to provide telemedicine services to certain Medicare beneficiaries in a different State.

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 “TELEmedicine for  
5 MEDicare Act of 2013” or as the “TELE–MED Act of  
6 2013”.

1 **SEC. 2. PERMITTING CERTAIN MEDICARE PROVIDERS LI-**  
2 **CENSED IN A STATE TO PROVIDE TELEMEDI-**  
3 **CINE SERVICES TO CERTAIN MEDICARE**  
4 **BENEFICIARIES IN A DIFFERENT STATE.**

5 Title XVIII of the Social Security Act (42 U.S.C.  
6 1395 et seq.) is amended by adding at the end the fol-  
7 lowing new section:

8 **“SEC. 1899B. PERMITTING CERTAIN MEDICARE PROVIDERS**  
9 **LICENSED IN A STATE TO PROVIDE TELE-**  
10 **MEDICINE SERVICES TO CERTAIN MEDICARE**  
11 **BENEFICIARIES IN A DIFFERENT STATE.**

12 “(a) IN GENERAL.—In the case of a Medicare par-  
13 ticipating physician or practitioner who is licensed or oth-  
14 erwise legally authorized to provide a health care service  
15 in a State, such physician or practitioner may provide such  
16 a service as a telemedicine service to a Medicare bene-  
17 ficiary who is in a different State, and any requirement  
18 that such physician or practitioner obtain a comparable  
19 license or other comparable legal authorization from such  
20 different State with respect to the provision of such health  
21 care service by such physician or practitioner to such bene-  
22 ficiary shall not apply.

23 “(b) ENFORCEMENT.—With respect to the provision  
24 of a service pursuant to this section, the licensing or au-  
25 thorizing State has jurisdiction to enforce the licensure or  
26 other legal authorization requirements of such primary

1 State, including through disciplinary actions used by such  
2 State as of the day before the date of the enactment of  
3 this section.

4 “(c) PROCESS TO ESTABLISH TELEMEDICINE SERV-  
5 ICE DEFINITION.—Not later than 9 months after the date  
6 of the enactment of this section, the Secretary shall issue  
7 guidance to the States for developing a definition of the  
8 term ‘telemedicine services’ for purposes of applying this  
9 section. For purposes of issuing such guidance, the Sec-  
10 retary shall solicit input from relevant stakeholders, in-  
11 cluding patients, health care providers, State government  
12 officials, health technology developers, insurers, employ-  
13 ers, licensing boards, community health organizations, and  
14 other Federal agencies.

15 “(d) REPORT.—Not later than 12 months after the  
16 date of the enactment of this section, the Secretary shall  
17 submit to Congress a report on the plans to develop and  
18 expand the use of current and emerging Internet and com-  
19 munications technologies to expand access of Medicare  
20 beneficiaries to health programs.

21 “(e) DEFINITIONS.—For purposes of this section:

22 “(1) MEDICARE BENEFICIARY.—The term  
23 ‘Medicare beneficiary’ means an individual entitled  
24 to benefits under part A or enrolled under part B.

1           “(2) QUALIFYING PHYSICIAN OR PRACTI-  
2           TIONER.—The term ‘Medicare participating physi-  
3           cian or practitioner’ means the following:

4                   “(A) A physician (as defined in section  
5                   1861(r)) who is a participating physician or  
6                   supplier (as defined in section 1842(h)(1)).

7                   “(B) A practitioner (as defined in section  
8                   1842(b)(18)(C)) who is a participating physi-  
9                   cian or supplier (as defined in section  
10                  1842(h)(1)).

11           “(f) CONSTRUCTION.—Nothing in this section may be  
12           construed to remove, limit, or otherwise affect any obliga-  
13           tion of a covered health care professional under the Con-  
14           trolled Substances Act (21 U.S.C. 801 et seq.).”.

○