

116TH CONGRESS  
2D SESSION

# H. R. 7233

To direct the Secretary of Health and Human Services and the Comptroller General of the United States to conduct studies and report to Congress on actions taken to expand access to telehealth services under the Medicare, Medicaid, and Children’s Health Insurance programs during the COVID–19 emergency.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2020

Mr. BALDERSON (for himself, Mrs. AXNE, Mr. WILLIAMS, and Mr. GIBBS) 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 direct the Secretary of Health and Human Services and the Comptroller General of the United States to conduct studies and report to Congress on actions taken to expand access to telehealth services under the Medicare, Medicaid, and Children’s Health Insurance programs during the COVID–19 emergency.

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. SHORT TITLE.**

2 This Act may be cited as the “Knowing the Efficiency  
3 and Efficacy of Permanent Telehealth Options Act of  
4 2020” or the “KEEP Telehealth Options Act of 2020”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) On January 21, 2020, the United States  
8 confirmed the Nation’s first case of the 2019 novel  
9 coronavirus (which presents as the disease COVID–  
10 19).

11 (2) On January 31, 2020, the Secretary of  
12 Health and Human Services (in this Act referred to  
13 as the “Secretary”) declared a public health emer-  
14 gency in response to COVID–19.

15 (3) By March, the disease reached the pan-  
16 demic level according to the World Health Organiza-  
17 tion, and the President proclaimed the COVID–19  
18 outbreak in the United States to constitute a na-  
19 tional emergency.

20 (4) This emergency declaration authorizes the  
21 Secretary “to temporarily waive or modify certain  
22 requirements of the Medicare, Medicaid, and State  
23 Children’s Health Insurance programs and of the  
24 Health Insurance Portability and Accountability Act  
25 Privacy Rule throughout the duration of the public

1 health emergency declared in response to the  
2 COVID–19 outbreak”.

3 (5) Under this authority, the Secretary, and the  
4 Administrator of the Centers for Medicare & Med-  
5 icaid Services (in this Act referred to as the “Ad-  
6 ministrator”) acting under the Secretary’s authority,  
7 issued numerous rules, regulations, and waivers ena-  
8 bling the expansion of telehealth services during the  
9 public health emergency.

10 (6) Telehealth services play a critical role in en-  
11 hancing access to care for patients while simulta-  
12 neously reducing the risk of exposure to the corona-  
13 virus for both patients and providers.

14 (7) The Administrator expanded access to tele-  
15 health services under the public health emergency to  
16 all Medicare beneficiaries (including clinician-pro-  
17 vided services to new and established patients).

18 (8) On April 23, 2020, the Administrator re-  
19 leased a telehealth toolkit to assist States in expand-  
20 ing the use of telehealth through Medicaid and  
21 CHIP.

22 (9) Expanded telehealth options are valuable  
23 for all Americans during this public health crisis,  
24 but especially for high-risk patients and rural Ameri-  
25 cans who already have difficulty accessing care.

1 **SEC. 3. STUDIES AND REPORTS ON THE EXPANSION OF AC-**  
2 **CESS TO TELEHEALTH SERVICES DURING**  
3 **THE COVID-19 EMERGENCY.**

4 (a) HHS.—

5 (1) IN GENERAL.—Not later than 180 days  
6 after the date of the enactment of this Act, the Sec-  
7 retary, in consultation with the Administrator, shall  
8 conduct a study and submit to Congress a report on  
9 actions taken by the Secretary during the emergency  
10 period described in section 1135(g)(1)(B) of the So-  
11 cial Security Act (42 U.S.C. 1320b-5(g)(1)(B)) to  
12 expand access to telehealth services under the Medi-  
13 care program, the Medicaid program, and the Chil-  
14 dren’s Health Insurance program. Such report shall  
15 include the following:

16 (A) A comprehensive list of telehealth serv-  
17 ices available under the programs described in  
18 paragraph (1) and an explanation of all actions  
19 undertaken by the Secretary during the emer-  
20 gency period described in such paragraph to ex-  
21 pand access to such services.

22 (B) A comprehensive list of types of pro-  
23 viders that may be reimbursed for such services  
24 furnished under such programs during such pe-  
25 riod, including a list of services which may only  
26 be reimbursed under such programs during

1 such period if furnished by such providers in-  
2 person.

3 (C) A quantitative analysis of the use of  
4 such telehealth services under such programs  
5 during such period, including data points on  
6 use by rural, minority, low-income, and elderly  
7 populations.

8 (D) A quantitative analysis of the use of  
9 such services under such programs during such  
10 period for mental and behavioral health treat-  
11 ments.

12 (E) An analysis of the public health im-  
13 pacts of the actions described in subparagraph  
14 (A).

15 (2) PUBLICATION OF REPORT.—Not later than  
16 180 days after the date of the enactment of this Act,  
17 the Secretary shall publish on the public website of  
18 the Department of Health and Human Services the  
19 report described in paragraph (1).

20 (b) GAO.—

21 (1) IN GENERAL.—Not later than 210 days  
22 after the date of enactment of this Act, the Comp-  
23 troller General of the United States shall conduct a  
24 study and submit to Congress a report on—

1 (A) the efficiency, management, and suc-  
2 cess and failures of the expansion of access to  
3 telehealth services under the Medicare, Med-  
4 icaid, and Children’s Health Insurance pro-  
5 grams during the emergency period described in  
6 subsection (a)(1); and

7 (B) any risk in increased fraudulent activ-  
8 ity, and types of fraudulent activity, associated  
9 with such expansion.

10 (2) RECOMMENDATIONS.—The report submit-  
11 ted under paragraph (1) shall include recommenda-  
12 tions on—

13 (A) potential improvements to telehealth  
14 services, and expansions of such services, under  
15 the programs described in paragraph (1)(A);  
16 and

17 (B) ways to address any fraudulent activ-  
18 ity described in paragraph (1)(B).

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