

116TH CONGRESS  
2D SESSION

# H. R. 7338

To amend title XVIII of the Social Security Act to permit the Secretary of Health and Human Services to waive requirements relating to the furnishing of telehealth services under the Medicare program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

Ms. CHENEY (for herself, Mr. SMITH of Missouri, Mr. GLANFORTE, and Mr. KUSTOFF of Tennessee) 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 permit the Secretary of Health and Human Services to waive requirements relating to the furnishing of telehealth services under the Medicare program, and for other purposes.

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 “Advancing Telehealth  
5 Beyond COVID–19 Act of 2020”.

1 **SEC. 2. PERMITTING THE SECRETARY OF HEALTH AND**  
2 **HUMAN SERVICES TO WAIVE REQUIREMENTS**  
3 **RELATING TO THE FURNISHING OF TELE-**  
4 **HEALTH SERVICES UNDER THE MEDICARE**  
5 **PROGRAM.**

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

9 “(9) **AUTHORITY TO WAIVE TELEHEALTH RE-**  
10 **QUIREMENTS.**—Notwithstanding any other provision  
11 of this subsection, the Secretary may waive any such  
12 provision for any area and time period specified by  
13 the Secretary.”.

14 **SEC. 3. MAKING PERMANENT THE ABILITY OF FEDERALLY**  
15 **QUALIFIED HEALTH CENTERS AND RURAL**  
16 **HEALTH CLINICS TO FURNISH TELEHEALTH**  
17 **SERVICES UNDER THE MEDICARE PROGRAM.**

18 Section 1834(m)(8) of the Social Security Act (42  
19 U.S.C. 1395m(m)(8)) is amended—

20 (1) in the header, by striking “DURING EMER-  
21 GENCY PERIOD”;

22 (2) in subparagraph (A), in the matter pre-  
23 ceding clause (i), by striking “During” and inserting  
24 “Beginning on the first day of”; and

25 (3) in subparagraph (B)(i), by striking “during  
26 such emergency period”.

1 **SEC. 4. CLARIFICATION FOR FRAUD AND ABUSE LAWS RE-**  
2 **GARDING TECHNOLOGIES PROVIDED TO**  
3 **BENEFICIARIES.**

4 Section 1128A(i)(6) of the Social Security Act (42  
5 U.S.C. 1320a–7a(i)(6)) is amended—

6 (1) in subparagraph (I), by striking “; or” and  
7 inserting a semicolon;

8 (2) in subparagraph (J), by striking the period  
9 at the end and inserting “; or”; and

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

12 “(K) the provision of technologies (as de-  
13 fined by the Secretary) on or after the date of  
14 the enactment of this subparagraph, by a pro-  
15 vider of services or supplier (as such terms are  
16 defined for purposes of title XVIII) directly to  
17 an individual who is entitled to benefits under  
18 part A of title XVIII, enrolled under part B of  
19 such title, or both, for the purpose of furnishing  
20 telehealth services, remote patient monitoring  
21 services, or other services furnished through the  
22 use of technology (as defined by the Secretary),  
23 if—

24 “(i) the technologies are not offered  
25 as part of any advertisement or sollicita-  
26 tion; and

1                   “(ii) the provision of the technologies  
2                   meets any other requirements set forth in  
3                   regulations promulgated by the Sec-  
4                   retary.”.

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