To provide payments for home health services furnished via visual or audio telecommunication systems during an emergency period.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mr. ARRINGTON (for himself, Ms. SEWELL, Mr. KELLY of Pennsylvania, and Mr. THOMPSON of California) 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 provide payments for home health services furnished via visual or audio telecommunication systems during an emergency period.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Home Health Emergency Access to Telehealth Act” or the “HEAT Act”.

5
SEC. 2. AUTHORIZATION OF PAYMENTS FOR HOME HEALTH SERVICES FURNISHED VIA VISUAL OR AUDIO TELECOMMUNICATION SYSTEMS DURING AN EMERGENCY PERIOD.

(a) Waiver Authority.—

(1) In general.—The first sentence of section 1135(b) of the Social Security Act (42 U.S.C. 1320b–5(b)) is amended—

(A) in paragraph (8), by striking “and” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding the following new paragraph:

“(10) in the case of home health services furnished in an emergency area (or portion of such an area) during any portion of any emergency period (as those terms are defined in subsection (g)(1)(C)), the provisions of subparagraphs (A) and (B) of section 1895(e)(1), as determined appropriate by the Secretary.”.

(2) Definitions of emergency area; emergency period.—Section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)) is amended—
(A) in subparagraph (A), by striking “sub-
paragraph (B)” and inserting “subparagraphs
(B) and (C)”; and

(B) by adding at the end the following new
 subparagraph:

“(C) ADDITIONAL EXCEPTION.—For pur-
poses of subsection (b)(10), an ‘emergency area’
is a geographical area in which, and an ‘emer-
gency period’ is the period during which, there
exists a public health emergency declared by the
Secretary pursuant to section 319 of the Public
Health Service Act.”.

(b) AUTHORIZATION.—Section 1895(e) of the Social
Security Act (42 U.S.C. 1395fff(e)) is amended—

(1) in paragraph (1), by striking “Nothing”
and inserting “Subject to paragraph (2), nothing”;

(2) by redesignating paragraph (2) as para-
graph (3); and

(3) by inserting after paragraph (1) the fol-
lowing new paragraph:

“(2) EXCEPTION FOR PUBLIC HEALTH EMER-
GENCIES.—Nothing in this section shall be con-
strued as preventing a home health agency fur-
nishing a home health unit of service for which pay-
ment is made under the prospective payment system
established by this section for such units of service
from furnishing services via a video or audio tele-
communication system if such services—

“(A) are furnished pursuant to a waiver
under section 1135(b)(10);

“(B) constitute no more than 50 percent of
the number of billable visits, consistent with the
in-person visit equivalency determination, billed
under the 30-day period of care established
under section 484.215(f) of title 42, Code of
Federal Regulations;

“(C) are furnished to a beneficiary under
a plan of care established by a physician or
practitioner with whom the beneficiary has an
existing care relationship prior to the receipt of
home health services that includes home health
services to be furnished via a video or audio
telecommunication system; and

“(D) such beneficiary consents to receiving
home health services via a video or audio tele-
communication system.”.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall pre-
scribe regulations to apply to home health services
furnished pursuant to the amendments made by this
Act, which shall become effective no later than 60
days after the date of enactment of this Act. The
Secretary shall issue an interim final rule, if nec-
essary, to comply with the required effective date.

(2) CONSIDERATIONS.—In prescribing such reg-
ulations, the Secretary may consider including—

(A) standards for the content of orders
and patient consent for such services;

(B) documentation of such services pro-
vided and billing units of such services;

(C) the nature and level of resources uti-
lized for such services provided via video or
audio telecommunication systems for purposes
of determining equivalency with in-person visits
in establishing the payment for such services;
and

(D) standards to ensure program integrity
and prevent the incidence of fraud, waste, and
abuse with respect to such services.