

117TH CONGRESS
2D SESSION

H. R. 4040

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Received; read twice and referred to the Committee on Finance

AN ACT

To amend title XVIII of the Social Security Act to extend telehealth flexibilities 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Advancing Telehealth
3 Beyond COVID–19 Act of 2022”.

4 **SEC. 2. REMOVING GEOGRAPHIC REQUIREMENTS AND EX-**
5 **PANDING ORIGINATING SITES FOR TELE-**
6 **HEALTH SERVICES.**

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

9 (1) in paragraph (2)(B)(iii)—

10 (A) by striking “With” and inserting “In
11 the case that the emergency period described in
12 section 1135(g)(1)(B) ends before December
13 31, 2024, with”; and

14 (B) by striking “that are furnished during
15 the 151-day period beginning on the first day
16 after the end of the emergency period described
17 in section 1135(g)(1)(B)” and inserting “that
18 are furnished during the period beginning on
19 the first day after the end of such emergency
20 period and ending December 31, 2024”; and

21 (2) in paragraph (4)(C)(iii)—

22 (A) by striking “With” and inserting “In
23 the case that the emergency period described in
24 section 1135(g)(1)(B) ends before December
25 31, 2024, with”; and

(B) by striking “that are furnished during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)” and inserting “that are furnished during the period beginning on the first day after the end of such emergency period and ending on December 31, 2024”.

SEC. 3. EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES.

Section 1834(m)(4)(E) of the Social Security Act (42 U.S.C. 1395m(m)(4)(E)) is amended by striking “and, for the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)” and inserting “and, in the case that the emergency period described in section 1135(g)(1)(B) ends before December 31, 2024, for the period beginning on the first day after the end of such emergency period and ending on December 31, 2024”.

SEC. 4. EXTENDING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

Section 1834(m)(8)(A) of the Social Security Act (42 U.S.C. 1395m(m)(8)(A)) is amended by striking “during the 151-day period beginning on the first day after the end of such emergency period” and inserting “in the case

1 that such emergency period ends before December 31,
 2 2024, during the period beginning on the first day after
 3 the end of such emergency period and ending on December
 4 31, 2024”.

5 **SEC. 5. DELAYING THE IN-PERSON REQUIREMENTS UNDER**
 6 **MEDICARE FOR MENTAL HEALTH SERVICES**
 7 **FURNISHED THROUGH TELEHEALTH AND**
 8 **TELECOMMUNICATIONS TECHNOLOGY.**

9 (a) DELAY IN REQUIREMENTS FOR MENTAL
 10 HEALTH SERVICES FURNISHED THROUGH TELE-
 11 HEALTH.—Section 1834(m)(7)(B)(i) of the Social Secu-
 12 rity Act (42 U.S.C. 1395m(m)(7)(B)(i)) is amended, in
 13 the matter preceding subclause (I), by striking “on or
 14 after the day that is the 152nd day after the end of the
 15 period at the end of the emergency sentence described in
 16 section 1135(g)(1)(B))” and inserting “on or after Janu-
 17 ary 1, 2025 (or, if later, the first day after the end of
 18 the emergency period described in section
 19 1135(g)(1)(B))”.

20 (b) MENTAL HEALTH VISITS FURNISHED BY RURAL
 21 HEALTH CLINICS.—Section 1834(y) of the Social Security
 22 Act (42 U.S.C. 1395m(y)) is amended—

23 (1) in the heading, by striking “TO HOSPICE
 24 PATIENTS”; and

1 (2) in paragraph (2), by striking “prior to the
 2 day that is the 152nd day after the end of the emer-
 3 gency period described in section 1135(g)(1)(B))”
 4 and inserting “prior to January 1, 2025 (or, if later,
 5 the first day after the end of the emergency period
 6 described in section 1135(g)(1)(B))”.

7 (c) MENTAL HEALTH VISITS FURNISHED BY FEDER-
 8 ALLY QUALIFIED HEALTH CENTERS.—Section
 9 1834(o)(4) of the Social Security Act (42 U.S.C.
 10 1395m(o)(4) is amended—

11 (1) in the heading, by striking “TO HOSPICE
 12 PATIENTS”; and

13 (2) in subparagraph (B), by striking “prior to
 14 the day that is the 152nd day after the end of the
 15 emergency period described in section
 16 1135(g)(1)(B))” and inserting “prior to January 1,
 17 2025 (or, if later, the first day after the end of the
 18 emergency period described in section
 19 1135(g)(1)(B))”.

20 **SEC. 6. ALLOWING FOR THE FURNISHING OF AUDIO-ONLY**
 21 **TELEHEALTH SERVICES.**

22 Section 1834(m)(9) of the Social Security Act (42
 23 U.S.C. 1395m(m)(9)) is amended by striking “The Sec-
 24 retary shall continue to provide coverage and payment
 25 under this part for telehealth services identified in para-

1 graph (4)(F)(i) as of the date of the enactment of this
 2 paragraph that are furnished via an audio-only tele-
 3 communications system during the 151-day period begin-
 4 ning on the first day after the end of the emergency period
 5 described in section 1135(g)(1)(B)” and inserting “In the
 6 case that the emergency period described in section
 7 1135(g)(1)(B) ends before December 31, 2024, the Sec-
 8 retary shall continue to provide coverage and payment
 9 under this part for telehealth services identified in para-
 10 graph (4)(F)(i) that are furnished via an audio-only com-
 11 munications system during the period beginning on the
 12 first day after the end of such emergency period and end-
 13 ing on December 31, 2024”.

14 **SEC. 7. USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE**
 15 **ENCOUNTER PRIOR TO RECERTIFICATION OF**
 16 **ELIGIBILITY FOR HOSPICE CARE DURING**
 17 **EMERGENCY PERIOD.**

18 Section 1814(a)(7)(D)(i)(II) of the Social Security
 19 Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by
 20 striking “and during the 151-day period beginning on the
 21 first day after the end of such emergency period” and in-
 22 serting “and, in the case that such emergency period ends
 23 before December 31, 2024, during the period beginning
 24 on the first day after the end of such emergency period

1 described in such section 1135(g)(1)(B) and ending on
2 December 31, 2024”.

3 **SEC. 8. FUNDING FROM MEDICARE IMPROVEMENT FUND.**

4 Section 1898(b)(1) of the Social Security Act (42
5 U.S.C. 1395jjj(b)(1)) is amended by striking
6 “\$7,500,000,000” and inserting “\$5,153,000,000”.

7 **SEC. 9. PROGRAM INSTRUCTION AUTHORITY.**

8 Notwithstanding any other provision of law, the Sec-
9 retary of Health and Human Services may implement the
10 provisions of, including amendments made by, sections 2
11 through 7 through program instruction or otherwise.

12 **SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of
14 complying with the Statutory Pay-As-You-Go Act of 2010,
15 shall be determined by reference to the latest statement
16 titled “Budgetary Effects of PAYGO Legislation” for this
17 Act, submitted for printing in the Congressional Record
18 by the Chairman of the House Budget Committee, pro-
19 vided that such statement has been submitted prior to the
20 vote on passage.

Passed the House of Representatives July 27, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.