

107TH CONGRESS  
1ST SESSION

# H. R. 3572

To amend title XVIII of the Social Security Act to provide for coverage of remote monitoring services under the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. BURR of North Carolina (for himself and Ms. ESHOO) 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 provide for coverage of remote monitoring services under the Medicare Program.

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 “Medicare Remote Mon-  
5 itoring Services Coverage Act of 2001”.

6 **SEC. 2. COVERAGE OF REMOTE MONITORING SERVICES.**

7 (a) IN GENERAL.—Section 1861(s)(2) of the Social  
8 Security Act (42 U.S.C. 1395x(s)(2)) is amended—

1 (1) by striking “and” at the end of subpara-  
2 graph (U);

3 (2) by inserting “and” at the end of subpara-  
4 graph (V); and

5 (3) by inserting after subparagraph (V) the fol-  
6 lowing new subparagraph:

7 “(W) remote monitoring services that are—

8 “(i) determined by the Secretary to provide  
9 comparable data to face-to-face encounter-based  
10 monitoring services (as such terms are defined  
11 in subsection (ww)); and

12 “(ii) provided to an individual who would  
13 otherwise be entitled to receive coverage under  
14 this title of the face-to-face encounter-based  
15 monitoring service that the Secretary deter-  
16 mines under clause (i) to provide comparable  
17 data to the remote monitoring service;”.

18 (b) SERVICES DESCRIBED.—Section 1861 of the So-  
19 cial Security Act (42 U.S.C. 1395x) is amended by adding  
20 at the end the following new subsection:

21 “REMOTE MONITORING SERVICES

22 “(ww)(1) The term ‘remote monitoring services’  
23 means any service provided through a system of tech-  
24 nology that allows the collection of clinical data and the  
25 transmission of such data between a patient at a distant  
26 location and a physician through a remote interface so

1 that the physician may conduct a clinical review of such  
2 data or provide a response relating to such data.

3 “(2) The term ‘face-to-face encounter-based moni-  
4 toring services’ means any in-office or facility-based serv-  
5 ice for which payment may be made under this title with  
6 a code that is specific to the collection of clinical data and  
7 the transmission of such data between a patient and a  
8 physician so that the physician may conduct a clinical re-  
9 view of such data or provide a response relating to such  
10 data.

11 “(3) For purposes of this subsection, the term ‘dis-  
12 tant location’ means any location that is outside of the  
13 office or the facility of the patient’s physician.

14 “(4) Coverage of remote monitoring services under  
15 this title with respect to an individual may not be re-  
16 stricted based on the geographic area of residence of the  
17 individual.”.

18 (c) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—  
19 Section 1848 of the Social Security Act (42 U.S.C.  
20 1395w-4) is amended—

21 (1) in subsection (c), by adding at the end the  
22 following new paragraph:

23 “(7) TREATMENT OF REMOTE MONITORING  
24 SERVICES.—

1           “(A) CONVERSION FACTOR AND RELATIVE  
2           VALUE UNITS.—The Secretary may not de-  
3           crease the conversion factor or the number of  
4           relative value units applicable to a remote moni-  
5           toring service (as defined in section  
6           1861(ww)(1)) covered under this title pursuant  
7           to section 1861(s)(2)(W) from the conversion  
8           factor or the number of relative value units ap-  
9           plicable to the face-to-face encounter-based  
10          monitoring service (as defined in section  
11          1861(ww)(2)) that the Secretary determines  
12          provides comparable data to such remote moni-  
13          toring service.

14          “(B) FREQUENCY GUIDELINES.—A remote  
15          monitoring service (as so defined) covered  
16          under this title pursuant to section  
17          1861(s)(2)(W) shall be subject to the same  
18          guidelines developed on the frequency of billing  
19          for the face-to-face encounter-based monitoring  
20          service (as so defined) that the Secretary deter-  
21          mines provides comparable data to such remote  
22          monitoring service.”; and

23          (2) in subsection (j)(3), by inserting “(2)(W),”  
24          after “(2)(S),”.

1       (d) BUDGET NEUTRALITY.—The Secretary of Health  
2 and Human Services shall implement the amendments  
3 made by this section in a budget-neutral manner. In ap-  
4 plying subparagraph (D) of section 1848(f)(2) of the So-  
5 cial Security Act, the enactment of this section shall not  
6 be treated as a change in law or regulations resulting, but  
7 the Secretary shall adjust the sustainable growth rate  
8 under such section so as to eliminate a new increase in  
9 expenditures (if any) resulting from the enactment of this  
10 section.

11       (e) CONSTRUCTION.—Nothing in this section shall be  
12 construed to prohibit the request for, or the issuance by  
13 the Secretary of Health and Human Services of, a sepa-  
14 rate billing code for any remote monitoring service (as de-  
15 fined in section 1861(w)(1) of the Social Security Act  
16 (42 U.S.C. 1395x(w)(1)), as added by subsection (b))  
17 through an authority of the Secretary of Health and  
18 Human Services other than the authority provided by the  
19 amendments made by this section.

20       (f) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to services furnished on or after  
22 January 1, 2003.

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