

114TH CONGRESS
1ST SESSION

H. R. 3081

To amend title XVIII of the Social Security Act to permit certain Medicare providers licensed in a State to provide telemedicine services to certain Medicare beneficiaries in a different State.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2015

Mr. NUNES (for himself, Mr. PALLONE, Mr. CARTWRIGHT, Mr. PETERS, Mr. RUSH, Mr. SARBANES, Mrs. WAGNER, Mr. YOUNG of Indiana, Mr. MARCHANT, Mr. TIBERI, Mr. COLLINS of New York, Mr. KELLY of Pennsylvania, Mr. PEARCE, Mr. PETERSON, Mr. CALVERT, Mr. HOLDING, Mr. ROE of Tennessee, and Mr. BOUSTANY) 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 amend title XVIII of the Social Security Act to permit certain Medicare providers licensed in a State to provide telemedicine services to certain Medicare beneficiaries in a different State.

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 “TELEmedicine for
3 MEDicare Act of 2015” or as the “TELE–MED Act of
4 2015”.

5 **SEC. 2. PERMITTING CERTAIN MEDICARE PROVIDERS LI-**
6 **CENSED IN A STATE TO PROVIDE TELEMEDI-**
7 **CINE SERVICES TO CERTAIN MEDICARE**
8 **BENEFICIARIES IN A DIFFERENT STATE.**

9 Title XVIII of the Social Security Act (42 U.S.C.
10 1395 et seq.) is amended by adding at the end the fol-
11 lowing new section:

12 **“SEC. 1899B. PERMITTING CERTAIN MEDICARE PROVIDERS**
13 **LICENSED IN A STATE TO PROVIDE TELE-**
14 **MEDICINE SERVICES TO CERTAIN MEDICARE**
15 **BENEFICIARIES IN A DIFFERENT STATE.**

16 “(a) IN GENERAL.—In the case of a Medicare par-
17 ticipating physician or practitioner who is licensed or oth-
18 erwise legally authorized to provide a health care service
19 in a State, such physician or practitioner may provide such
20 a service as a telemedicine service to a Medicare bene-
21 ficiary who is in a different State, and any requirement
22 that such physician or practitioner obtain a comparable
23 license or other comparable legal authorization from such
24 different State with respect to the provision of such health
25 care service by such physician or practitioner to such bene-
26 ficiary shall not apply.

1 “(b) ENFORCEMENT.—With respect to the provision
2 of a service pursuant to this section, the licensing or au-
3 thorizing State has jurisdiction to enforce the licensure or
4 other legal authorization requirements of such primary
5 State, including through disciplinary actions used by such
6 State as of the day before the date of the enactment of
7 this section.

8 “(c) PROCESS TO ESTABLISH TELEMEDICINE SERV-
9 ICE DEFINITION.—Not later than 9 months after the date
10 of the enactment of this section, the Secretary shall issue
11 guidance to the States for developing a definition of the
12 term ‘telemedicine services’ for purposes of applying this
13 section. For purposes of issuing such guidance, the Sec-
14 retary shall solicit input from relevant stakeholders, in-
15 cluding patients, health care providers, State government
16 officials, health technology developers, insurers, employ-
17 ers, licensing boards, community health organizations, and
18 other Federal agencies.

19 “(d) REPORT.—Not later than 12 months after the
20 date of the enactment of this section, the Secretary shall
21 submit to Congress a report on the plans to develop and
22 expand the use of current and emerging Internet and com-
23 munications technologies to expand access of Medicare
24 beneficiaries to health programs.

25 “(e) DEFINITIONS.—For purposes of this section:

1 “(1) MEDICARE BENEFICIARY.—The term
2 ‘Medicare beneficiary’ means an individual entitled
3 to benefits under part A or enrolled under part B.

4 “(2) QUALIFYING PHYSICIAN OR PRACTI-
5 TIONER.—The term ‘Medicare participating physi-
6 cian or practitioner’ means the following:

7 “(A) A physician (as defined in section
8 1861(r)) who is a participating physician or
9 supplier (as defined in section 1842(h)(1)).

10 “(B) A practitioner (as defined in section
11 1842(b)(18)(C)) who is a participating physi-
12 cian or supplier (as defined in section
13 1842(h)(1)).

14 “(f) CONSTRUCTION.—Nothing in this section may be
15 construed to remove, limit, or otherwise affect any obliga-
16 tion of a covered health care professional under the Con-
17 trolled Substances Act (21 U.S.C. 801 et seq.).”.

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