

116TH CONGRESS
2D SESSION

S. 4211

To amend title XVIII of the Social Security Act to expand access in frontier States to mental health services furnished through telehealth, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

Mr. SULLIVAN (for himself and Ms. ROSEN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to expand access in frontier States to mental health services furnished through telehealth, 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 “Facilitating Reforms
5 that Offer Necessary Telehealth In Every Rural (FRON-
6 TIER) Community Act”.

1 **SEC. 2. EXPANDING ACCESS TO MENTAL HEALTH SERVICES**
 2 **FURNISHED IN FRONTIER STATES THROUGH**
 3 **TELEHEALTH.**

4 (a) IN GENERAL.—Section 1834(m) of the Social Se-
 5 curity Act (42 U.S.C. 1395m(m)) is amended—

6 (1) in paragraph (2)(B)(i), in the matter pre-
 7 ceding subclause (I), by striking “paragraph (6)(C)”
 8 and inserting “paragraphs (6)(C) and (9)”;

9 (2) in paragraph (4)(C)(i), by striking “and
 10 (7)” and inserting “(7), and (9)”; and

11 (3) by adding at the end the following new
 12 paragraph:

13 “(9) TREATMENT OF MENTAL HEALTH SERV-
 14 ICES FURNISHED IN FRONTIER STATES.—

15 “(A) IN GENERAL.—The originating site
 16 requirements under paragraph (4)(C) shall not
 17 apply with respect to telehealth services fur-
 18 nished on or after January 1, 2021, that are
 19 furnished in a frontier State (as defined in sec-
 20 tion 1886(d)(3)(E)(iii)(II)) and are mental
 21 health services (as determined by the Sec-
 22 retary), except that a facility fee under para-
 23 graph (2)(B)(i) may only be paid to an origi-
 24 nating site that is a site described in any of
 25 subclauses (I) through (IX) of paragraph
 26 (4)(C)(ii).

1 “(B) DEFINITION OF ORIGINATING SITE.—

2 With respect to telehealth services described in
 3 subparagraph (A), the term ‘originating site’
 4 means any fixed or mobile location at which the
 5 individual is located at the time the service is
 6 furnished.”.

7 (b) GRANTS FOR THE DEPLOYMENT OF BROADBAND
 8 STRUCTURE.—

9 (1) IN GENERAL.—The Chairman of the Fed-
 10 eral Communications Commission and the Adminis-
 11 trator of the Rural Utilities Service of the United
 12 States Department of Agriculture, in consultation
 13 with the Administrator of the Health Resources and
 14 Services Administration and the Director of the In-
 15 dian Health Service, shall award grants for the de-
 16 ployment of broadband infrastructure in frontier
 17 States, as defined in section 1886(d)(3)(E)(iii)(II) of
 18 the Social Security Act (42 U.S.C.
 19 1395ww(d)(3)(E)(iii)(II)), to support the furnishing
 20 of mental health services through telehealth pursu-
 21 ant to section 1834(m)(9) of such Act, as added by
 22 subsection (a).

23 (2) AUTHORIZATION.—There are authorized to
 24 be appropriated such sums as are necessary for pur-
 25 poses of carrying out this subsection.

1 **SEC. 3. INDIAN HEALTH SERVICE FACILITIES.**

2 (a) IN GENERAL.—Section 1834(m)(4)(C) of the So-
3 cial Security Act (42 U.S.C. 1395m(m)(4)(C)), as amend-
4 ed by section 2(a), is amended—

5 (1) in clause (i), in the matter preceding sub-
6 clause (I), by inserting “, and subject to clause (iii)”
7 after “and (9)”;

8 (2) by adding at the end the following new
9 clause:

10 “(iii) INDIAN HEALTH SERVICE FA-
11 CILITIES.—The originating site require-
12 ments described in clauses (i) and (ii) shall
13 not apply with respect to a facility of the
14 Indian Health Service, whether operated
15 by such Service, or by an Indian tribe (as
16 that term is defined in section 4 of the In-
17 dian Health Care Improvement Act (25
18 U.S.C. 1603)) or a tribal organization (as
19 that term is defined in section 4 of the In-
20 dian Self-Determination and Education
21 Assistance Act (25 U.S.C. 5304)).”.

22 (b) NO ORIGINATING SITE FACILITY FEE FOR NEW
23 SITES.—Section 1834(m)(2)(B)(i) of the Social Security
24 Act (42 U.S.C. 1395m(m)(2)(B)(i)) is amended, in the
25 matter preceding subclause (I), by inserting “(other than
26 an originating site that is only described in clause (iii) of

1 paragraph (4)(C), and does not meet the requirement for
2 an originating site under clause (i) of such paragraph)”
3 after “the originating site”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to services furnished on or after
6 January 1, 2021.

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