

116TH CONGRESS
2D SESSION

S. 4230

To amend title XVIII of the Social Security Act to expand access to mental health services and certain evaluation and management services furnished through telehealth under the Medicare program.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2020

Mr. WYDEN 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 to mental health services and certain evaluation and management services furnished through telehealth 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 “Telehealth Expansion
5 Act of 2020”.

1 **SEC. 2. EXPANDING ACCESS TO MENTAL HEALTH SERVICES**
 2 **AND CERTAIN EVALUATION AND MANAGE-**
 3 **MENT SERVICES FURNISHED THROUGH**
 4 **TELEHEALTH.**

5 (a) TREATMENT OF MENTAL HEALTH SERVICES
 6 FURNISHED THROUGH TELEHEALTH.—Paragraph (7) of
 7 section 1834(m) of the Social Security Act (42 U.S.C.
 8 1395m(m)) is amended—

9 (1) in the paragraph heading, by inserting
 10 “AND MENTAL HEALTH SERVICES” after “DISORDER
 11 SERVICES”; and

12 (2) by inserting “or, on or after the first day
 13 after the end of the public health emergency de-
 14 scribed in section 1135(g)(1)(B), to an eligible tele-
 15 health individual for purposes of diagnosis, evalua-
 16 tion, or treatment of a mental health disorder, as de-
 17 termined by the Secretary,” after “as determined by
 18 the Secretary.”.

19 (b) TREATMENT OF CERTAIN EVALUATION AND
 20 MANAGEMENT SERVICES FURNISHED THROUGH TELE-
 21 HEALTH.—Such section 1834(m), as amended by sub-
 22 section (a), is amended—

23 (1) in paragraph (4)(C)—

24 (A) in clause (i), by striking “and (7)” and
 25 inserting “(7), and (9)”; and

1 (B) in clause (ii)(X), by inserting “or
2 paragraph (9)(A)” before the period; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(9) TREATMENT OF CERTAIN EVALUATION
6 AND MANAGEMENT SERVICES FURNISHED THROUGH
7 TELEHEALTH.—

8 “(A) IN GENERAL.—The geographic re-
9 quirements described in paragraph 4(C)(i) shall
10 not apply with respect to a telehealth service
11 that is a medical visit that is in the category of
12 HCPCS evaluation and management services
13 for office and other outpatient services and that
14 is furnished on or after the first day after the
15 end of the public health emergency described in
16 section 1135(g)(1)(B), to an eligible telehealth
17 individual by a qualified provider, at an origi-
18 nating site described in paragraph 4(C)(ii)
19 (other than an originating site described in sub-
20 clause (IX) of such paragraph).

21 “(B) DEFINITION OF QUALIFIED PRO-
22 VIDER.—For purposes of this paragraph, the
23 term ‘qualified provider’ means, with respect to
24 a telehealth service described in subparagraph

1 (A) that is furnished to an eligible telehealth in-
2 dividual, a physician or practitioner who—

3 “(i) furnished to such individual, dur-
4 ing the 18-month period ending on the
5 date the telehealth service was furnished,
6 an item or service in person for which—

7 “(I) payment was made under
8 this title; or

9 “(II) such payment would have
10 been made if such individual were en-
11 titled to, or enrolled for, benefits
12 under this title at the time such item
13 or service was furnished; or

14 “(ii) is in the same practice (as deter-
15 mined by tax identification number) as a
16 physician or practitioner who furnished
17 such an item or service in person to such
18 individual during such period.”.

19 (c) IMPLEMENTATION.—Notwithstanding any other
20 provision of law, the Secretary may implement the provi-
21 sions of, or amendments made by, this section by interim
22 final rule, program instruction, or otherwise.

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