

117TH CONGRESS  
1ST SESSION

# S. 3193

To amend title XVIII of the Social Security Act to expand the scope of practitioners eligible for payment for telehealth services under the Medicare program, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 2021

Mr. DAINES (for himself, Ms. SMITH, Mr. MORAN, 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 the scope of practitioners eligible for payment for telehealth services 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expanded Telehealth  
5 Access Act”.

1 **SEC. 2. EXPANDING THE SCOPE OF PRACTITIONERS ELIGI-**  
2 **BLE FOR PAYMENT FOR TELEHEALTH SERV-**  
3 **ICES UNDER MEDICARE.**

4 (a) **TELEHEALTH PROVIDER PARITY.**—Section  
5 1834(m) of the Social Security Act (42 U.S.C. 1395m(m))  
6 is amended—

7 (1) in paragraph (1)—

8 (A) by striking “described in section  
9 1842(b)(18)(C)” and inserting “as described in  
10 paragraph (4)(E)”; and

11 (B) by striking “individual physician or  
12 practitioner” and inserting “individual physi-  
13 cian or practitioner described in paragraph  
14 (4)(E)”;

15 (2) in paragraph (2)—

16 (A) by striking “practitioner” each place it  
17 appears and inserting “practitioner as described  
18 in paragraph (4)(E)” each such place;

19 (B) by inserting before “located at a dis-  
20 tant site” the following “(or, in the case of an  
21 occupational therapy assistant described in  
22 paragraph (4)(E)(ii)(II) or a physical therapist  
23 assistant described in paragraph (4)(E)(ii)(III),  
24 shall pay with respect to such assistant)”; and

25 (C) by inserting “(or, in the case of an oc-  
26 cupational therapy assistant described in para-

1 graph (4)(E)(ii)(II) or a physical therapist as-  
 2 sistant described in paragraph (4)(E)(ii)(III),  
 3 the amount that would have been paid under  
 4 this title with respect to such assistant)” after  
 5 “would have been paid under this title”;

6 (3) in paragraph (3)—

7 (A) in subparagraph (A), by striking “or  
 8 practitioner” and inserting “or practitioner de-  
 9 scribed in paragraph (4)(E)”;

10 (B) in subparagraph (B), by inserting “de-  
 11 scribed in subparagraph (C) of such section”  
 12 after “practitioners”;

13 (4) in paragraph (4)—

14 (A) in each of subparagraphs (A) and (C),  
 15 by inserting “described in paragraph (4)(E)”  
 16 after “practitioner”;

17 (B) by amending subparagraph (E) to read  
 18 as follows:

19 “(E) PRACTITIONER DESCRIBED.—The  
 20 term ‘practitioner’ means any of the following:

21 “(i) A practitioner described in section  
 22 1842(b)(18)(C).

23 “(ii) With respect to services fur-  
 24 nished on or after the date of enactment of

1 the Expanded Telehealth Access Act, a li-  
2 censed—

3 “(I) qualified audiologist (as de-  
4 fined in section 1861(ll)(4)(B));

5 “(II) occupational therapist and  
6 occupational therapy assistant under  
7 the supervision of an occupational  
8 therapist;

9 “(III) physical therapist and  
10 physical therapist assistant under the  
11 supervision of a physical therapist;

12 “(IV) qualified speech-language  
13 pathologist (as defined in section  
14 1861(ll)(4)(A));

15 “(V) facility described in para-  
16 graph (8) or (9) of section 1833(a)  
17 that furnishes telehealth therapy serv-  
18 ices; and

19 “(VI) any additional health care  
20 provider, as specified by the Sec-  
21 retary, who participates under this  
22 title and furnishes a service that is in-  
23 cluded as a telehealth service under  
24 this subsection.”.

○