

118TH CONGRESS
2D SESSION

H. R. 7858

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2024

Received; read twice and referred to the

AN ACT

To amend title XVIII of the Social Security Act to establish a Medicare incident to modifier for mental health services furnished through telehealth and other telehealth services.

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 “Telehealth Enhance-
3 ment for Mental Health Act of 2024” or the “TELEMH
4 Act of 2024”.

5 **SEC. 2. ESTABLISHMENT OF MEDICARE INCIDENT TO**
6 **MODIFIER FOR MENTAL HEALTH SERVICES**
7 **FURNISHED THROUGH TELEHEALTH AND**
8 **OTHER TELEHEALTH SERVICES.**

9 Section 1834(m) of the Social Security Act (42
10 U.S.C. 1395m(m)) is amended by adding at the end the
11 following new paragraph:

12 “(10) REQUIRED USE OF MODIFIERS IN CER-
13 TAIN INSTANCES.—Not later than January 1, 2026,
14 the Secretary shall establish requirements to include
15 a code or modifier, as determined appropriate by the
16 Secretary, in the case of claims for telehealth serv-
17 ices under this subsection that are billed incident to
18 a physician’s or practitioner’s professional service.”.

Passed the House of Representatives September 17,
2024.

Attest: KEVIN F. MCCUMBER,
Clerk.