

SEC. 1 SHORT TITLE

This Act may be cited as the [[Short Title]].

SEC. 2 REMOVING GEOGRAPHIC REQUIREMENTS AND EXPANDING ORIGINATING SITES FOR TELEHEALTH SERVICES

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended –

- (1) In paragraph (4)(C)(iii) by striking “during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)” and inserting “before January 1, 2025”
- (2) In paragraph (2)(B)(iii) by striking “during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)” and inserting “before January 1, 2025”

SEC. 3 EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended –

In paragraph (4)(E) by striking “151-day” and inserting “and ending on December 31, 2024” after “described in section 1135(g)(1)(B)”

SEC. 4 EXTENDING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS

Section 1834(m)(8) of the Social Security Act (42 U.S.C. 1395m(m)(8)) is amended –

In subparagraph (A) by striking “151-day” and inserting “and ending on December 31, 2024” after “described in section 1135(g)(1)(B)”

SEC. 5 DELAYING THE IN-PERSON REQUIREMENTS UNDER MEDICARE FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH AND TELECOMMUNICATIONS TECHNOLOGY

- (1) Section 1834(m)(7)(B)(i) of the Social Security Act (42 U.S.C. 1395m(m)(7)(B)(i)) is amended –

In the matter preceding subclause (I), by striking “the day that is the 152nd day after the end of the emergency period” and inserting “January 1, 2025”

- (2) Section 1834(y) of the Social Security Act (42 U.S.C. 1395m(y)) is amended –
In paragraph (2) by striking “the day that is the 152nd day after the end of the emergency period” and inserting “January 1, 2025”
- (3) Section 1834(o)(4) of the Social Security Act (42 U.S.C. 1395m(o)(4)) is amended –
In subparagraph (B) by striking “the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B)” and inserting “January 1, 2025”

SEC. 6 ALLOWING FOR THE FURNISHING OF AUDIO-ONLY TELEHEALTH SERVICES

Section 1834(m) of Social Security Act (42 U.S.C. 1395m(m)) is amended—

- (1) In paragraph (1) by striking “paragraphs (8) and (9)” and inserting “paragraph (8)”

(2) By striking paragraph (9)

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

“(G) TELECOMMUNICATIONS SYSTEM.—

“(i) IN GENERAL.—Notwithstanding paragraph (1) and section 410.78(a)(3) of title 42, Code of Federal Regulations (or any successor regulation), subject to clause (v), the term ‘telecommunications system’ includes, in the case of the furnishing of a specified telehealth service (as defined in clause (ii)) a communications system that uses audio-only technology.

“(ii) SPECIFIED TELEHEALTH SERVICE.—In this subparagraph, the term ‘specified telehealth service’ means a telehealth service described in clause (iii) that is furnished by a qualified provider (as defined in clause (iv)).

“(iii) TELEHEALTH SERVICE DESCRIBED.—A telehealth service as defined in subparagraph (4)(F)(i)

“(iv) QUALIFIED PROVIDER DEFINED.—

“(I) IN GENERAL.—For purposes of clause (ii), the term ‘qualified provider’ means, with respect to a specified telehealth service that is furnished to an eligible telehealth individual—

“(aa) a physician or practitioner who has an established patient relationship with such individual as defined by the State in which the individual is located; or

“(bb) a critical access hospital (as defined in section 1861(mm)(1)), a rural health clinic (as defined in section 1861(aa)(2)), a Federally qualified health center (as defined in section 1861(aa)(4)), a hospital (as defined in section 1861(e)), a hospital-based or critical access hospital-based renal dialysis center (including satellites), a skilled nursing facility (as defined in section 1819(a)), a community mental health center (as defined in section 1861(ff)(3)(B)), or a rural emergency hospital (as defined in section 1861(kkk)(2)).

“(v) AUTHORITY.—For purposes of this subparagraph, the Secretary may determine whether it is clinically appropriate to furnish a specified telehealth service via a communications system that uses audio-only technology and whether an in-person initial visit (in addition to any requirement with respect to the furnishing of an item or service in person pursuant to clause (iv)(I)) is required prior to the furnishing of such service using such technology.

“(vi) CLARIFICATION REGARDING PAYMENT.—The amount of payment for a specified telehealth service that is furnished using audio-only technology shall be equal to the amount that would have been paid for such service under this subsection had such service been furnished via any other telecommunications system authorized under this subsection.”.

SEC. 7 USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELIGIBILITY FOR HOSPITAL CARE DURING EMERGENCY PERIOD.

Section 1814(a)(7)(D)(i)(II) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended –

By striking “151-day” and inserting “and ending on December 31, 2024” after “described in section 1135(g)(1)(B)”

SEC. 8 EXTENSION OF EXEMPTION FOR TELEHEALTH SERVICES

- (1) In General. – Subparagraph (E) of section 223(c)(2) of the Internal Revenue Code of 1986 is amended by striking “2023” and inserting “2025”
- (2) Certain Coverage Disregarded. – Clause (ii) of section 223(c)(1)(B) of the Internal Revenue Code of 1986 is amended by striking “2023” and inserting “2025”

SEC. 9 FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS

Section 1834(m) of the Social Security Act ([42 U.S.C. 1395m\(m\)](#)) is amended—

In paragraph (8) by striking subparagraph (B) and inserting the following:

“(B) PAYMENT.—

“(i) IN GENERAL.—A telehealth service furnished by a Federally qualified health center or a rural health clinic to an individual pursuant to this paragraph on or after the date of the enactment of this subparagraph shall be deemed to be so furnished to such individual as an outpatient of such clinic or facility (as applicable) for purposes of paragraph (1) or (3), respectively, of section 1861(aa) and payable as a Federally qualified health center service or rural health clinic service (as applicable) under the prospective payment system established under section 1834(o) or under section 1833(a)(3), respectively.

“(ii) TREATMENT OF COSTS FOR FQHC PPS CALCULATIONS AND RHC AIR CALCULATIONS.—Costs associated with the delivery of telehealth services by a Federally qualified health center or rural health clinic serving as a distant site pursuant to this paragraph shall be considered allowable costs for purposes of the prospective payment system established under section 1834(o) and any payment methodologies developed under section 1833(a)(3), as applicable.”.

SEC. 10 TELEHEALTH FLEXIBILITIES FOR CRITICAL ACCESS HOSPITALS

Section 1834(m) of the Social Security Act ([42 U.S.C. 1395m\(m\)](#)) is amended—

(1) in the first sentence of paragraph (1), by striking “paragraph (8)” and inserting “paragraphs (8) and (9)”;

(2) in paragraph (2)(A), by striking “paragraph (8)” and inserting “paragraphs (8) and (9)”;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking “paragraph (8)” and inserting “paragraphs (8) and (9)”; and

(B) in subparagraph (F)(i), by striking “paragraph (8)” and inserting “paragraphs (8) and (9)”; and

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

“(9) TELEHEALTH FLEXIBILITIES FOR CRITICAL ACCESS HOSPITALS.—

“(A) IN GENERAL.—On or after the date of the enactment of this paragraph—

“(i) the Secretary shall pay for telehealth services that are furnished between the end of the emergency period described in section 1135(g)(1)(B) and January 1, 2025, via a telecommunications system by a critical access hospital, including any practitioner authorized to provide such services within the facility, that is a qualified provider (as defined in subparagraph (B)) to an eligible telehealth individual enrolled under this part notwithstanding that the critical access hospital providing the telehealth service is not at the same location as the beneficiary, if such services complement a plan of care that includes in-person care at some point, as may be appropriate;

“(ii) the amount of payment to a critical access hospital that serves as a distant site for such a telehealth service shall be determined under subparagraph (C); and

“(iii) for purposes of this subsection—

“(I) the term ‘distant site’ includes a critical access hospital that furnishes a telehealth service to an eligible telehealth individual; and

“(II) the term ‘telehealth services’ includes behavioral health services and any other outpatient critical access hospital service that is furnished using telehealth to the extent that payment codes corresponding to services identified by the Secretary under clause (i) or (ii) of paragraph (4)(F) are listed on the corresponding claim for such critical access hospital service.

“(B) DEFINITION OF QUALIFIED PROVIDER.—For purposes of this subsection, the term ‘qualified provider’ means, with respect to a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual, a critical access hospital that has an established patient relationship with such individual as defined by the State in which the individual is located.

“(C) PAYMENT.—The amount of payment to a critical access hospital that serves as a distant site that furnishes a telehealth service to an eligible telehealth individual under this paragraph shall be equal to 101 percent of the reasonable costs of the hospital in providing such services, unless the hospital makes an election under paragraph (2) of section 1834(g) to be paid for such services based on the methodology described in such paragraph. Telehealth services furnished by a critical access hospital shall be counted for purposes of determining the provider productivity rate of the critical access hospital for purposes of payment under such section.

“(D) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph through program instruction, interim final rule, or otherwise.”.

SEC. 11 EFFECTIVE DATE

The amendments made by this Act shall take effect on the date of the enactment of this Act.

