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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to provide for permanent payments for telehealth services furnished by Federally qualified health centers and rural health clinics under the Medicare program.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. THOMPSON of Pennsylvania introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title XVIII of the Social Security Act to provide for permanent payments for telehealth services furnished by Federally qualified health centers and rural health clinics 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 “Helping Ensure Access  
5       to Local TeleHealth Act of 2021” or the “HEALTH Act  
6       of 2021”.

1 **SEC. 2. PROVIDING FOR PERMANENT COST-RELATED PAY-**  
2 **MENTS FOR TELEHEALTH SERVICES FUR-**  
3 **NISHED BY FEDERALLY QUALIFIED HEALTH**  
4 **CENTERS AND RURAL HEALTH CLINICS**  
5 **UNDER THE MEDICARE PROGRAM AND PER-**  
6 **MANENTLY REMOVING ORIGINATING SITE**  
7 **FACILITY AND LOCATION REQUIREMENTS**  
8 **FOR DISTANT SITE TELEHEALTH SERVICES**  
9 **FURNISHED BY SUCH CENTERS AND SUCH**  
10 **CLINICS.**

11 (a) COVERAGE OF AUDIO-ONLY TELEHEALTH SERV-  
12 ICES.—

13 (1) IN GENERAL.—Section 1834(m)(4) of the  
14 Social Security Act (42 U.S.C. 1395m(m)(4)) is  
15 amended by adding at the end the following new  
16 subparagraph:

17 “(G) TELECOMMUNICATIONS SYSTEM.—  
18 Except as provided in paragraph (1), the term  
19 ‘telecommunications system’ means a two-way,  
20 real-time interactive communications system,  
21 whether by audiovisual or audio-only commu-  
22 nications.”.

23 (2) REQUIRED IMPLEMENTATION STEPS.—Not  
24 later than 60 days after the date of the enactment  
25 of this Act, the Secretary of Health and Human  
26 Services shall—

1 (A) revise section 410.78(a)(3) of title 42,  
2 Code of Federal Regulations (or a successor  
3 regulation) to define the term “interactive tele-  
4 communications system” in accordance with the  
5 amendment made by paragraph (1); and

6 (B) revise section 405.2463 of such title  
7 (or a successor regulation) to provide that, for  
8 purposes of distant site telehealth services fur-  
9 nished by Federally qualified health centers and  
10 rural health clinics under section 1834(m)(8) of  
11 the Social Security Act (42 U.S.C.  
12 1395m(m)(8)), a visit includes any two-way,  
13 real-time interactive communication between an  
14 individual and the distant site Federally quali-  
15 fied health center provider or rural health clin-  
16 ic, whether by audiovisual or audio-only com-  
17 munication.

18 (b) PERMANENT TELEHEALTH PAYMENTS.—Section  
19 1834(m)(8) of the Social Security Act (42 U.S.C.  
20 1395m(m)(8)) is amended—

21 (1) in the header, by striking “DURING EMER-  
22 GENCY PERIOD”;

23 (2) in subparagraph (A), in the matter pre-  
24 ceding clause (i), by striking “During the emergency  
25 period described in section 1135(g)(1)(B)” and in-

1       serting “With respect to telehealth services furnished  
2       on or after the date of the beginning of the emer-  
3       gency period described in section 1135(g)(1)(B)”;  
4       and

5               (3) by striking subparagraph (B) and inserting  
6       the following new subparagraph:

7               “(B) PAYMENT.—

8                       “(i) IN GENERAL.—A telehealth serv-  
9                       ice furnished by a rural health clinic or a  
10                      Federally qualified health center serving as  
11                      a distant site to an individual shall be  
12                      deemed to be so furnished to such indi-  
13                      vidual as an outpatient of such clinic or fa-  
14                      cility (as applicable) for purposes of para-  
15                      graph (1) or (3), respectively, of section  
16                      1861(aa) and payable as a rural health  
17                      clinic service or Federally-qualified health  
18                      center service (as applicable) under section  
19                      1833(a)(3) or under the prospective pay-  
20                      ment system established under section  
21                      1834(o), respectively.

22                      “(ii) TREATMENT OF COSTS FOR  
23                      FQHC PPS CALCULATIONS AND RHC AIR  
24                      CALCULATIONS.—Costs associated with the  
25                      delivery of telehealth services by a Feder-

1           ally qualified health center or rural health  
2           clinic serving as a distant site pursuant to  
3           this paragraph shall be considered allow-  
4           able costs for purposes of the prospective  
5           payment system established under section  
6           1834(o) and any payment methodologies  
7           developed under section 1833(a)(3), as ap-  
8           plicable.”.

9           (c) ELIMINATION OF ORIGINATING SITE REQUIRE-  
10          MENTS FOR TELEHEALTH SERVICES FURNISHED BY  
11          FQHCs OR RHCs.—

12           (1) IN GENERAL.—Section 1834(m) of the So-  
13          cial Security Act (42 U.S.C. 1395m(m)), as amend-  
14          ed by subsection (b), is further amended—

15           (A) in paragraph (4)(C)(i), by striking  
16          “and (7)” and inserting “(7), and (8)”; and

17           (B) in paragraph (8), by adding at the end  
18          the following new subparagraph:

19           “(C) NONAPPLICATION OF ORIGINATING  
20          SITE REQUIREMENTS.—The geographic and site  
21          requirements described in paragraph (4)(C)  
22          shall not apply with respect to telehealth serv-  
23          ices furnished by a Federally qualified health  
24          center or a rural health clinic serving as a dis-  
25          tant site.”.

1           (2) SPECIAL PAYMENT RULE FOR ORIGINATING  
2       SITES WITH RESPECT TO TELEHEALTH SERVICES  
3       FURNISHED BY AN FQHC OR RHC.—Section  
4       1834(m)(2)(B) of the Social Security Act (42 U.S.C.  
5       1395m(m)(2)(B)) is amended—

6           (A) in clause (i), by striking “clause (ii)”  
7       and inserting “clauses (ii) and (iii)”; and

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

10           “(iii) SPECIAL RULE FOR TELE-  
11       HEALTH SERVICES FURNISHED BY FQHCS  
12       AND RHCS.—No facility fee shall be paid  
13       under this subparagraph to an originating  
14       site with respect to telehealth services fur-  
15       nished by a Federally qualified health cen-  
16       ter or rural health clinic serving as a dis-  
17       tant site unless such originating site is a  
18       site described in any of subclauses (I)  
19       through (IX) or (XI) of paragraph  
20       (4)(C)(ii).”.