116TH CONGRESS
2D 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.

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Helping Ensure Access to Local TeleHealth Act of 2020” or the “HEALTH Act of 2020”.

(Original Signature of Member)
SEC. 2. PROVIDING FOR PERMANENT COST-RELATED PAYMENTS FOR TELEHEALTH SERVICES Furnished by Federally Qualified Health Centers and Rural Health Clinics under the Medicare Program and Permanently Removing Originating Site Facility and Location Requirements for Distant Site Telehealth Services Furnished by Such Centers and Such Clinics.

(a) Permanent Telehealth Payments.—Section 1834(m)(8) of the Social Security Act (42 U.S.C. 1395m(m)(8)) is amended—

(1) in the header, by striking “DURING EMERGENCY PERIOD”;

(2) in subparagraph (A), in the matter preceding clause (i), by striking “During the emergency period described in section 1135(g)(1)(B)” and inserting “With respect to telehealth services furnished on or after the date of the beginning of the emergency period described in section 1135(g)(1)(B)”;

and

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

“(B) Payment.—
“(i) IN GENERAL.—A telehealth service furnished by a rural health clinic or a Federally qualified health center serving as a distant site to an individual 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 rural health clinic service or Federally-qualified health center service (as applicable) under section 1833(a)(3) or under the prospective payment system established under section 1834(o), 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.”.

(b) Elimination of Originating Site Requirements for Telehealth Services Furnished by FQHCs or RHCS.—

(1) In general.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), as amended by subsection (a), is further amended—

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

(B) by adding at the end the following new subparagraph:

“(C) Nonapplication of Originating Site Requirements.—The geographic and site requirements described in paragraph (4)(C) shall not apply with respect to telehealth services furnished by a Federally qualified health center or a rural health clinic serving as a distant site.”.

(2) Special payment rule for originating sites with respect to telehealth services furnished by an FQHC or RHC.—Section 1834(m)(2)(B) of the Social Security Act (42 U.S.C. 1395m(m)(2)(B)) is amended—
(A) in clause (i), by striking “clause (ii)” and inserting “clauses (ii) and (iii)”; and

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

“(iii) SPECIAL RULE FOR TELE-HEALTH SERVICES FURNISHED BY FQHCS AND RHCS.—No facility fee shall be paid under this subparagraph to an originating site with respect to telehealth services furnished by a Federally qualified health center or rural health clinic serving as a distant site unless such originating site is a site described in any of subclauses (I) through (IX) of paragraph (4)(C)(ii).”.

(c) TREATMENT OF FQHC AND RHC TELEHEALTH SERVICES AS A VISIT.—The Secretary of Health and Human Services shall revise section 405.2463 of title 42, Code of Federal Regulations (or a successor regulation) to provide that, in the case of a Federally qualified health center or a rural health clinic serving as a distant site furnishing telehealth services to an individual in accordance with section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), such services so furnished are considered to constitute a visit to such center or such clinic (as applicable) by such individual.