JULY 22, 2022

RULES COMMITTEE PRINT 117–59

TEXT OF H.R. 4040, THE ADVANCING

TELEHEALTH BEYOND COVID–19 ACT OF 2021

[Showing the text of H.R. 4040, as introduced, with modifications.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Advancing Telehealth Beyond COVID–19 Act of 2022”.

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 (2)(B)(iii)—

(A) by striking “With” and inserting “In the case that the emergency period described in section 1135(g)(1)(B) ends before December 31, 2024, with”; and

(B) by striking “that are furnished 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 “that are furnished during the period beginning on

...
the first day after the end of such emergency period and ending December 31, 2024”; and
(2) in paragraph (4)(C)(iii)—
   (A) by striking “With” and inserting “In the case that the emergency period described in section 1135(g)(1)(B) ends before December 31, 2024, with”; and
   (B) by striking “that are furnished 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 “that are furnished during the period beginning on the first day after the end of such emergency period and ending on December 31, 2024”.

SEC. 3. EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES.

Section 1834(m)(4)(E) of the Social Security Act (42 U.S.C. 1395m(m)(4)(E)) is amended by striking “and, for 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 “and, in the case that the emergency period described in section 1135(g)(1)(B) ends before December 31, 2024, for the period beginning on the first day after the end of such emergency period and ending on December 31, 2024”.
SEC. 4. EXTENDING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

Section 1834(m)(8)(A) of the Social Security Act (42 U.S.C. 1395m(m)(8)(A)) is amended by striking “during the 151-day period beginning on the first day after the end of such emergency period” and inserting “in the case that such emergency period ends before December 31, 2024, during the period beginning on the first day after the end of such emergency period and ending on December 31, 2024”.

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

(a) DELAY IN REQUIREMENTS FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.—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 “on or after the day that is the 152nd day after the end of the period at the end of the emergency sentence described in section 1135(g)(1)(B))” and inserting “on or after January 1, 2025 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))”.
(b) Mental Health Visits Furnished by Rural Health Clinics.—Section 1834(y) of the Social Security Act (42 U.S.C. 1395m(y)) is amended—

(1) in the heading, by striking “to hospice patients”; and

(2) in paragraph (2), by striking “prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B))” and inserting “prior to January 1, 2025 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B)).”.

c) Mental Health Visits Furnished by Federally Qualified Health Centers.—Section 1834(o)(4) of the Social Security Act (42 U.S.C. 1395m(o)(4) is amended—

(1) in the heading, by striking “to hospice patients”; and

(2) in subparagraph (B), by striking “prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B))” and inserting “prior to January 1, 2025 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B)).”.

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

TELEHEALTH SERVICES.

Section 1834(m)(9) of the Social Security Act (42
U.S.C. 1395m(m)(9)) is amended by striking “The Sec-

retary shall continue to provide coverage and payment
under this part for telehealth services identified in para-

graph (4)(F)(i) as of the date of the enactment of this
paragraph that are furnished via an audio-only tele-

communications system during the 151-day period begin-

ning on the first day after the end of the emergency period

described in section 1135(g)(1)(B)” and inserting “In the
case that the emergency period described in section

1135(g)(1)(B) ends before December 31, 2024, the Sec-

retary shall continue to provide coverage and payment
under this part for telehealth services identified in para-

graph (4)(F)(i) that are furnished via an audio-only com-

munications system during the period beginning on the
first day after the end of such emergency period and end-

ing on December 31, 2024”.

SEC. 7. USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE

ENCOUNTER PRIOR TO RECERTIFICATION OF

ELIGIBILITY FOR HOSPICE 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 “and during the 151-day period beginning on the
first day after the end of such emergency period” and inser-
ing “and, in the case that such emergency period ends
before December 31, 2024, during the period beginning
on the first day after the end of such emergency period
described in such section 1135(g)(1)(B) and ending on
December 31, 2024”.

SEC. 8. FUNDING FROM MEDICARE IMPROVEMENT FUND.
Section 1898(b)(1) of the Social Security Act (42
U.S.C. 1395jjjj(b)(1)) is amended by striking
“$7,500,000,000” and inserting “$5,159,000,000”.

SEC. 9. PROGRAM INSTRUCTION AUTHORITY.
Notwithstanding any other provision of law, the Sec-
retary of Health and Human Services may implement the
provisions of, including amendments made by, sections 2
through 7 through program instruction or otherwise.

SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.
The budgetary effects of this Act, for the purpose of
complying with the Statutory Pay-As-You-Go Act of 2010,
shall be determined by reference to the latest statement
titled “Budgetary Effects of PAYGO Legislation” for this
Act, submitted for printing in the Congressional Record
by the Chairman of the House Budget Committee, pro-
vided that such statement has been submitted prior to the
vote on passage.