A BILL

To amend title XVIII of the Social Security Act to expand access to mental health services and certain evaluation and management services furnished through telehealth under the Medicare program.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telehealth Expansion Act of 2020”.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on ____________________

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SEC. 2. EXPANDING ACCESS TO MENTAL HEALTH SERVICES
AND CERTAIN EVALUATION AND MANAGEMENT SERVICES FURNISHED THROUGH
TELEHEALTH.

(a) Treatment of Mental Health Services Furnished Through Telehealth.—Paragraph (7) of section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in the paragraph heading, by inserting “AND MENTAL HEALTH SERVICES” after “DISORDER SERVICES”; and

(2) by inserting “or, on or after the first day after the end of the public health emergency described in section 1135(g)(1)(B), to an eligible tele-health individual for purposes of diagnosis, evaluation, or treatment of a mental health disorder, as determined by the Secretary,” after “as determined by the Secretary,”.

(b) Treatment of Certain Evaluation and Management Services Furnished Through Telehealth.—Such section 1834(m), as amended by subsection (a), is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), by striking “and (7)” and inserting “(7), and (9)”; and
(B) in clause (ii)(X), by inserting “or paragraph (9)(A)” before the period; and

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

“(9) TREATMENT OF CERTAIN EVALUATION AND MANAGEMENT SERVICES FURNISHED THROUGH TELEHEALTH.—

“(A) IN GENERAL.—The geographic requirements described in paragraph 4(C)(i) shall not apply with respect to a telehealth service that is a medical visit that is in the category of HCPCS evaluation and management services for office and other outpatient services and that is furnished on or after the first day after the end of the public health emergency described in section 1135(g)(1)(B), to an eligible telehealth individual by a qualified provider, at an originating site described in paragraph 4(C)(ii) (other than an originating site described in subclause (IX) of such paragraph).

“(B) DEFINITION OF QUALIFIED PROVIDER.—For purposes of this paragraph, the term ‘qualified provider’ means, with respect to a telehealth service described in subparagraph
(A) that is furnished to an eligible telehealth individual, a physician or practitioner who—

“(i) furnished to such individual, during the 18-month period ending on the date the telehealth service was furnished, an item or service in person for which—

“(I) payment was made under this title; or

“(II) such payment would have been made if such individual were entitled to, or enrolled for, benefits under this title at the time such item or service was furnished; or

“(ii) is in the same practice (as determined by tax identification number) as a physician or practitioner who furnished such an item or service in person to such individual during such period.”.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the provisions of, or amendments made by, this section by interim final rule, program instruction, or otherwise.