117TH CONGRESS
1ST SESSION

H. R. 3447

To amend title XVIII of the Social Security Act to expand accessibility
to certain telehealth services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mr. SMITH of Missouri (for himself and Mr. GOTTHEIMER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend title XVIII of the Social Security Act to expand
accessibility to certain telehealth services 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 "Permanency for Audio-

5 Only Telehealth Act".

**SEC. 2. EXPANDING ACCESSIBILITY TO CERTAIN TELE-
HEALTH SERVICES UNDER THE MEDICARE
PROGRAM.**

(a) USE OF AUDIO-ONLY TELECOMMUNICATIONS
SYSTEMS FOR CERTAIN SERVICES.—Section 1834(m)(4)
of the Social Security Act (42 U.S.C. 1395m(m)(4)) is
amended by adding at the end the following new subpara-
graph:

"(G) TELECOMMUNICATIONS SYSTEM.—

"(i) IN GENERAL.—The term 'tele-
communications system' includes, in the
case of a qualified provider (as defined in
clause (ii)) furnishing a specified telehealth
service (as defined in such clause) to an in-
dividual, a communications system con-
sisting only of audio capabilities, but only
if such individual elects to use such system
in lieu of a communications system pro-
viding both audio and visual capabilities.

"(ii) DEFINITIONS.—For purposes of
clause (i):

"(I) QUALIFIED PROVIDER.—The
term 'qualified provider' means, with
respect to a telehealth service fur-
nished to an individual, a physician or
practitioner who—

1   ''(dd) any other service spec-

2   ified by the Secretary.

3   Such term does not include commu-

4   nication of lab results from a physi-

5   cian or practitioner to an individual

6   via a telecommunications system un-

7   less such communication involves a di-

8   agnosis of such individual based on

9   such results or the prescription, or

10   modification of a prescription, of a

11   drug based on such results.''.

12 (b) NONAPPLICATION OF ORIGINATING SITE RE-

13 QUIREMENTS WITH RESPECT TO TELEHEALTH SERVICES

14 UNDER MEDICARE PROGRAM.—Section 1834(m)(4)(C) of

15 the Social Security Act (42 U.S.C. 1395m(m)(4)(C)) is

16 amended—

17   (1) in clause (i), by inserting before ''para-

18 graphs (5), (6), and (7)'' the following: ''clause (iii)

19 and''; and

20   (2) by adding at the end the following new

21 clause:

22   ''(iii) NONAPPLICATION OF ORIGI-

23   NATING SITE REQUIREMENTS.—Beginning

24   on the first day of the emergency period

25   described in section 1135(g)(1)(B), the

1   term 'originating site' means any site at

2   which the eligible telehealth individual is

3   located at the time the service is furnished

4   via a telecommunications system.''.

5   (c) EFFECTIVE DATE.—The amendment made by

6 subsection (a) shall apply with respect to telehealth serv-

7 ices furnished after the last day of the emergency period

8 described in section 1135(g)(1)(B) of the Social Security

9 Act (42 U.S.C. 1320b–5(g)(1)(B)).

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