

[~117H1332]

(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.**

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To amend title XVIII of the Social Security Act to make permanent certain telehealth flexibilities under the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

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

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## **A BILL**

To amend title XVIII of the Social Security Act to make permanent certain telehealth flexibilities under the Medicare program.

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

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Telehealth Modernization Act of 2024”.

## 1 SEC. 2. EXTENDING MEDICARE TELEHEALTH FLEXIBILI- 2 TIES.

3 (a) EXPANDING ACCESS TO TELEHEALTH SERV-  
4 ICES.—

11 (2) CONFORMING AMENDMENTS.—Section  
12 1834(m) of the Social Security Act (42 U.S.C.  
13 1395m(m)) is amended—

14 (A) in paragraph (2)(B)(iii), by striking  
15 “In the case that” and all that follows through  
16 “ending December 31, 2024,” and inserting  
17 “With respect to telehealth services furnished  
18 on or after the date of the enactment of the  
19 Telehealth Modernization Act.”;

20 (B) in paragraph (4)(C)(ii)(X), by striking  
21 “, but only for purposes of section  
22 1881(b)(3)(B) or telehealth services described  
23 in paragraph (7);

24 (C) in paragraph (5), by inserting "and  
25 prior to the date of the enactment of the Tele-

1                   health Modernization Act,” after “January 1,  
2                   2019,”;

7 (E) in paragraph (7), by adding at the end  
8 the following new subparagraph:

9                   “(C) SUNSET.—The provisions of this  
10                paragraph shall not apply with respect to serv-  
11                ices furnished on or after the date of the enact-  
12                ment of this subparagraph.”.

13 (b) EXPANDING PRACTITIONERS ELIGIBLE TO FUR-  
14 NISH TELEHEALTH SERVICES.—Section 1834(m) of the  
15 Social Security Act (42 U.S.C. 1395m(m)) is amended—

19 (2) in paragraph (4)(E)—

20 (A) by striking "PRACTITIONER.—The  
21 term" and inserting "PRACTITIONER.—

22                         “(A) IN GENERAL.—Subject to subparagraph-  
23                         graph (B), the term”;

24 (B) in subparagraph (A), as so inserted, by  
25 striking “, in the case that the emergency pe-

6 (C) by adding at the end the following new  
7 subparagraph:

8                             “(B) EXPANSION.—The Secretary, after  
9                             consulting with stakeholders regarding services  
10                            that are clinically appropriate, may expand the  
11                            types of practitioners who may furnish tele-  
12                            health services to include any health care pro-  
13                            fessional that is eligible to bill the program  
14                            under this title for their professional services.”.

15 (c) RETENTION OF ADDITIONAL SERVICES AND SUB-  
16 REGULATORY PROCESS FOR MODIFICATIONS FOLLOWING  
17 EMERGENCY PERIOD.—Section 1834(m)(4)(F) of the So-  
18 cial Security Act (42 U.S.C. 1395m(m)(4)(F)) is amend-  
19 ed—

20 (1) in clause (i), by inserting “and clause (iii)”  
21 after “paragraph (8);

22 (2) in clause (ii), by striking “The Secretary”  
23 and inserting “Subject to clause (iii), the Sec-  
24 retary”; and

22 (d) ENHANCING TELEHEALTH SERVICES FOR FED-  
23 ERALLY QUALIFIED HEALTH CENTERS AND RURAL  
24 HEALTH CLINICS.—Section 1834(m)(8) of the Social Se-  
25 curity Act (42 U.S.C. 1395m(m)(8)) is amended—

5 (2) in subparagraph (B)—

6 (A) in the header, by inserting “BEFORE  
7 2025” after “RULE”; and

11 (3) by adding at the end the following new sub-  
12 paragraph:

13                   “(C) PAYMENT RULE FOR 2025 AND SUB-  
14                   SEQUENT YEARS.—

1 plicable) under the prospective payment  
2 system established under section 1834(o)  
3 or the payment methodology established  
4 under section 1833(a)(3), respectively.

5 “(ii) TREATMENT OF COSTS.—Costs  
6 associated with the delivery of telehealth  
7 services by a Federally qualified health  
8 center or rural health clinic on or after  
9 January 1, 2025, shall be considered allow-  
10 able costs for purposes of the prospective  
11 payment system established under section  
12 1834(o) and any payment methodologies  
13 developed under section 1833(a)(3), as ap-  
14 plicable.”.

15 (e) USE OF TELEHEALTH, AS CLINICALLY APPRO-  
16 PRIATE, TO CONDUCT FACE-TO-FACE ENCOUNTER FOR  
17 HOSPICE CARE.—Section 1814(a)(7)(D)(i)(II) of the So-  
18 cial Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is  
19 amended by striking “, and, in the case” and all that fol-  
20 lows through “ending on December 31, 2024,” and insert-  
21 ing “and after such period, as clinically appropriate.”.

22 (f) USE OF TELEHEALTH, AS CLINICALLY APPRO-  
23 PRIATE, TO CONDUCT FACE-TO-FACE CLINICAL ASSESS-  
24 MENTS FOR HOME DIALYSIS.—Clause (iii) of section

1 1881(b)(3)(B) of the Social Security Act (42 U.S.C.

2 1395rr(b)(3)(B)) is amended—

3 (1) by moving such clause 4 ems to the left;

4 and

5 (2) by inserting “and after such emergency pe-  
6 riod as clinically appropriate” before the period.

7 (g) ALLOWING FOR THE USE OF AUDIO-ONLY TELE-

8 COMMUNICATIONS TECHNOLOGY.—Section 1834(m)(9) of

9 the Social Security Act (42 U.S.C. 1395m(m)(9)) is

10 amended—

11 (1) by striking the first sentence and inserting  
12 the following: “The Secretary shall provide coverage  
13 and payment under this part for telehealth services  
14 identified in paragraph (4)(F)(i) as of the date of  
15 the enactment of this paragraph that are furnished  
16 via an audio-only communications system.”; and

17 (2) in the second sentence, by striking “during  
18 such emergency period” and inserting “during the  
19 emergency period described in section  
20 1135(g)(1)(B)”.

21 (h) IMPLEMENTATION.—Notwithstanding any provi-  
22 sion of law, the Secretary may implement the provisions  
23 of, and amendments made by, this section by interim final  
24 rule, program instruction, or otherwise.