

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.]**

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. REMOVING GEOGRAPHIC REQUIREMENTS AND EX-**  
5 **PANDING ORIGINATING SITES FOR TELE-**  
6 **HEALTH SERVICES.**

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

9           (1) in paragraph (2)(B)(iii)—

10               (A) by striking “With” and inserting “In  
11 the case that the emergency period described in  
12 section 1135(g)(1)(B) ends before December  
13 31, 2024, with”; and

14               (B) by striking “that are furnished during  
15 the 151-day period beginning on the first day  
16 after the end of the emergency period described  
17 in section 1135(g)(1)(B)” and inserting “that  
18 are furnished during the period beginning on

1 the first day after the end of such emergency  
2 period and ending December 31, 2024”]; and

3 (2) in paragraph (4)(C)(iii)—

4 (A) by striking “With” and inserting “In  
5 the case that the emergency period described in  
6 section 1135(g)(1)(B) ends before December  
7 31, 2024, with”; and

8 (B) by striking “that are furnished during  
9 the 151-day period beginning on the first day  
10 after the end of the emergency period described  
11 in section 1135(g)(1)(B)” and inserting “that  
12 are furnished during the period beginning on  
13 the first day after the end of such emergency  
14 period and ending on December 31, 2024”.

15 **SEC. 3. EXPANDING PRACTITIONERS ELIGIBLE TO FUR-**  
16 **NISH TELEHEALTH SERVICES.**

17 Section 1834(m)(4)(E) of the Social Security Act (42  
18 U.S.C. 1395m(m)(4)(E)) is amended by striking “and, for  
19 the 151-day period beginning on the first day after the  
20 end of the emergency period described in section  
21 1135(g)(1)(B)” and inserting “and, in the case that the  
22 emergency period described in section 1135(g)(1)(B) ends  
23 before December 31, 2024, for the period beginning on  
24 the first day after the end of such emergency period and  
25 ending on December 31, 2024”.

1 **SEC. 4. EXTENDING TELEHEALTH SERVICES FOR FEDER-**  
2 **ALLY QUALIFIED HEALTH CENTERS AND**  
3 **RURAL HEALTH CLINICS.**

4 Section 1834(m)(8)(A) of the Social Security Act (42  
5 U.S.C. 1395m(m)(8)(A)) is amended by striking “during  
6 the 151-day period beginning on the first day after the  
7 end of such emergency period” and inserting “in the case  
8 that such emergency period ends before December 31,  
9 2024, during the period beginning on the first day after  
10 the end of such emergency period and ending on December  
11 31, 2024”.

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

16 (a) DELAY IN REQUIREMENTS FOR MENTAL  
17 HEALTH SERVICES FURNISHED THROUGH TELE-  
18 HEALTH.—Section 1834(m)(7)(B)(i) of the Social Secu-  
19 rity Act (42 U.S.C. 1395m(m)(7)(B)(i)) is amended, in  
20 the matter preceding subclause (I), by striking “on or  
21 after the day that is the 152nd day after the end of the  
22 period at the end of the emergency sentence described in  
23 section 1135(g)(1)(B))” and inserting “on or after Janu-  
24 ary 1, 2025 (or, if later, the first day after the end of  
25 the emergency period described in section  
26 1135(g)(1)(B))”.

1 (b) MENTAL HEALTH VISITS FURNISHED BY RURAL  
2 HEALTH CLINICS.—Section 1834(y) of the Social Security  
3 Act (42 U.S.C. 1395m(y)) is amended—

4 (1) in the heading, by striking “TO HOSPICE  
5 PATIENTS”; and

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

12 (c) MENTAL HEALTH VISITS FURNISHED BY FEDER-  
13 ALLY QUALIFIED HEALTH CENTERS.—Section  
14 1834(o)(4) of the Social Security Act (42 U.S.C.  
15 1395m(o)(4)) is amended—

16 (1) in the heading, by striking “TO HOSPICE  
17 PATIENTS”; and

18 (2) in subparagraph (B), by striking “prior to  
19 the day that is the 152nd day after the end of the  
20 emergency period described in section  
21 1135(g)(1)(B))” and inserting “prior to January 1,  
22 2025 (or, if later, the first day after the end of the  
23 emergency period described in section  
24 1135(g)(1)(B)).”.

1 **SEC. 6. ALLOWING FOR THE FURNISHING OF AUDIO-ONLY**  
2 **TELEHEALTH SERVICES.**

3 Section 1834(m)(9) of the Social Security Act (42  
4 U.S.C. 1395m(m)(9)) is amended by striking “The Sec-  
5 retary shall continue to provide coverage and payment  
6 under this part for telehealth services identified in para-  
7 graph (4)(F)(i) as of the date of the enactment of this  
8 paragraph that are furnished via an audio-only tele-  
9 communications system during the 151-day period begin-  
10 ning on the first day after the end of the emergency period  
11 described in section 1135(g)(1)(B)” and inserting “In the  
12 case that the emergency period described in section  
13 1135(g)(1)(B) ends before December 31, 2024, the Sec-  
14 retary shall continue to provide coverage and payment  
15 under this part for telehealth services identified in para-  
16 graph (4)(F)(i) that are furnished via an audio-only com-  
17 munications system during the period beginning on the  
18 first day after the end of such emergency period and end-  
19 ing on December 31, 2024”.

20 **SEC. 7. USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE**  
21 **ENCOUNTER PRIOR TO RECERTIFICATION OF**  
22 **ELIGIBILITY FOR HOSPICE CARE DURING**  
23 **EMERGENCY PERIOD.**

24 Section 1814(a)(7)(D)(i)(II) of the Social Security  
25 Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by  
26 striking “and during the 151-day period beginning on the

1 first day after the end of such emergency period” and in-  
2 serting “and, in the case that such emergency period ends  
3 before December 31, 2024, during the period beginning  
4 on the first day after the end of such emergency period  
5 described in such section 1135(g)(1)(B) and ending on  
6 December 31, 2024”.

7 **SEC. 8. FUNDING FROM MEDICARE IMPROVEMENT FUND.**

8 Section 1898(b)(1) of the Social Security Act (42  
9 U.S.C. 1395jjj(b)(1)) is amended by striking  
10 “\$7,500,000,000” and inserting “\$5,159,000,000”.

11 **SEC. 9. PROGRAM INSTRUCTION AUTHORITY.**

12 Notwithstanding any other provision of law, the Sec-  
13 retary of Health and Human Services may implement the  
14 provisions of, including amendments made by, sections 2  
15 through 7 through program instruction or otherwise.

16 **SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.**

17 The budgetary effects of this Act, for the purpose of  
18 complying with the Statutory Pay-As-You-Go Act of 2010,  
19 shall be determined by reference to the latest statement  
20 titled “Budgetary Effects of PAYGO Legislation” for this  
21 Act, submitted for printing in the Congressional Record  
22 by the Chairman of the House Budget Committee, pro-  
23 vided that such statement has been submitted prior to the  
24 vote on passage.

