

**AMENDMENT TO THE AMENDMENT IN THE NA-
TURE OF A SUBSTITUTE TO COMMITTEE
PRINT RELATING TO PUBLIC HEALTH
OFFERED BY M__ . _____**

Page 12, after line 15, add the following:

1 **SEC. 3023. TEMPORARY AUTHORIZATION OF TELEHEALTH**
2 **AND INTERSTATE TREATMENT.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of Federal or State law or regulation regarding the
5 licensure or certification of health care providers or the
6 provision of telehealth services, a health care professional
7 may practice within the scope of the individual’s license,
8 certification, or authorization described in subsection
9 (i)(1)(A), either in-person or through telehealth, in any
10 State, the District of Columbia, or any territory or posses-
11 sion of the United States, or any other location designated
12 by the Secretary, based on the licensure, certification, or
13 authorization such individual in any one State, the Dis-
14 trict of Columbia, or territory or possession of the United
15 States.

16 (b) SCOPE OF TELEHEALTH SERVICES.—Telehealth
17 services authorized by this section include services pro-
18 vided to any patient regardless of whether the health care

1 professional has a prior treatment relationship with the
2 patient, provided that, if the health care professional does
3 not have a prior treatment relationship with the patient,
4 a new relationship may be established only via a written
5 acknowledgment or synchronous technology.

6 (c) INITIATION OF TELEHEALTH SERVICES.—Before
7 providing telehealth services authorized by this section, the
8 health care professional shall—

9 (1) verify the identification of the patient re-
10 ceiving health services;

11 (2) obtain oral or written acknowledgment from
12 the patient (or legal representative of the patient) to
13 perform telehealth services, and if such acknowledg-
14 ment is oral, make a record of such acknowledg-
15 ment; and

16 (3) obtain or confirm an alternative method of
17 contacting the patient in case of a technological fail-
18 ure.

19 (d) WRITTEN NOTICE OF PROVISION OF SERV-
20 ICES.—As soon as practicable, but not later than 30 days
21 after first providing services pursuant to this section in
22 a jurisdiction other than the jurisdiction in which a health
23 care professional is licensed, certified, or otherwise author-
24 ized, such health care professional shall provide written
25 notice to the applicable licensing, certifying, or authorizing

1 authority in the jurisdiction in which the health care pro-
2 fessional provided such services. Such notice shall include
3 the health care professional's—

4 (1) name;

5 (2) email address;

6 (3) phone number;

7 (4) State of primary license, certification, or
8 authorization; and

9 (5) license, certification, or authorization type,
10 and applicable number or identifying information
11 with respect to such license, certification, or author-
12 ization.

13 (e) CLARIFICATION.—Nothing in this section author-
14 izes a health care professional to—

15 (1) practice beyond the scope of practice au-
16 thorized by—

17 (A) any State, District of Columbia, terri-
18 torial, or local authority in the jurisdiction in
19 which the health care professional holds a li-
20 cense, certification, or authorization described
21 in subsection (i)(1)(A); or

22 (B) any State, District of Columbia, terri-
23 torial, or local authority in the jurisdiction in
24 which the patient receiving services is located;

1 (2) provide any service or subset of services
2 prohibited by any such authority in the jurisdiction
3 in which the patient receiving services is located;

4 (3) provide any service or subset of services in
5 a manner prohibited by any such authority the juris-
6 diction in which the patient receiving services is lo-
7 cated; or

8 (4) provide any service or subset of services in
9 a manner other than the manner prescribed by any
10 such authority in the jurisdiction in which the pa-
11 tient receiving services is located.

12 (f) INVESTIGATIVE AND DISCIPLINARY AUTHOR-
13 ITY.—A health care professional providing services pursu-
14 ant to the authority under this section shall be subject
15 to investigation and disciplinary action by the licensing,
16 certifying, or authorizing authorities in the jurisdiction in
17 which the patient receiving services is located. The juris-
18 diction in which the patient receiving services is located
19 shall have the authority to preclude the health care pro-
20 vider from practicing further in its jurisdiction, whether
21 such practice is authorized by the laws of such jurisdiction
22 or the authority granted under this section, and shall re-
23 port any such preclusion to the licensing authority in the
24 jurisdiction in which the health care provider is licensed,
25 certified, or authorized.

1 (g) MULTIPLE JURISDICTION LICENSURE.—Notwith-
2 standing any other provision of this section, a health care
3 professional shall be subject to the requirements of the
4 jurisdiction of licensure if the professional is licensed in
5 the State, the District of Columbia, or territory or posses-
6 sion where the patient is located.

7 (h) INTERSTATE LICENSURE COMPACTS.—If a
8 health care professional is licensed in multiple jurisdic-
9 tions through an interstate licensure compact, with respect
10 to services provided to a patient located in a jurisdiction
11 covered by such compact, the health care professional shall
12 be subject to the requirements of the compact and not this
13 section.

14 (i) DEFINITIONS.—In this section—

15 (1) the term “health care professional” means
16 an individual who—

17 (A) has a valid and unrestricted license or
18 certification from, or is otherwise authorized by,
19 a State, the District of Columbia, or a territory
20 or possession of the United States, for any
21 health profession, including mental health; and

22 (B) is not affirmatively excluded from
23 practice in the licensing or certifying jurisdic-
24 tion or in any other jurisdiction;

1 (2) the term “Secretary” means the Secretary
2 of Health and Human Services; and

3 (3) the term “telehealth services” means use of
4 telecommunications and information technology (in-
5 cluding synchronous or asynchronous audio-visual,
6 audio-only, or store and forward technology) to pro-
7 vide access to physical and mental health assess-
8 ment, diagnosis, treatment, intervention, consulta-
9 tion, supervision, and information across distance.

10 (j) APPLICATION.—This section shall apply during
11 the period beginning on the date of enactment of this Act
12 and ending on the date that is at least 180 days (as deter-
13 mined by the Secretary) after the end of the public health
14 emergency declared by the Secretary of Health and
15 Human Services under section 319 of the Public Health
16 Service Act (42 U.S.C. 247d) on January 31, 2020, with
17 respect to COVID–19.

