

118TH CONGRESS
2D SESSION

H. R. 9324

To amend title 38, United States Code, to authorize certain health care professionals employed by the Department of Veterans Affairs to deliver, distribute, or dispense to veterans certain controlled medications via telemedicine under certain conditions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2024

Mr. WOMACK (for himself and Mr. BISHOP of Georgia) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to authorize certain health care professionals employed by the Department of Veterans Affairs to deliver, distribute, or dispense to veterans certain controlled medications via telemedicine under certain conditions, and for other purposes.

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 “Protecting Veteran Ac-
5 cess to Telemedicine Services Act of 2024”.

1 **SEC. 2. DELIVERY, DISTRIBUTION, AND DISPENSATION OF**
2 **CONTROLLED MEDICATIONS BY COVERED**
3 **DEPARTMENT OF VETERANS AFFAIRS**
4 **HEALTH CARE PROFESSIONALS VIA TELE-**
5 **MEDICINE.**

6 Subchapter III of chapter 17 of title 38, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section (and conforming the table of sections
9 at the beginning of such chapter accordingly):

10 **“§ 1730D. Delivery, distribution, and dispensation of**
11 **controlled medications via telemedicine**

12 “(a) IN GENERAL.—Pursuant to section 1730C of
13 this title and subject to the requirements of title III of
14 the Controlled Substances Act (21 U.S.C. 801 et seq.),
15 a covered health care professional may use telemedicine
16 to deliver, distribute, or dispense to a patient eligible to
17 receive medical treatment under this chapter a controlled
18 substance that is a prescription drug as determined under
19 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301
20 et seq.) regardless of whether such covered health care
21 professional has conducted an in-person medical examina-
22 tion of such patient if—

23 “(1) such covered health care professional is—
24 “(A) authorized to prescribe the basic class
25 of such controlled substance under an active,

1 current, full, and unrestricted State license,
2 registration, or certification; and

3 “(B) acting in the usual course of profes-
4 sional practice; and

5 “(2) such substance is delivered, distributed, or
6 dispensed for a legitimate medical purpose.

7 “(b) REGULATIONS.—The Secretary shall establish in
8 regulations guidelines and a process for the delivery, dis-
9 tribution, and dispensation of a controlled substance pur-
10 suant to subsection (a).

11 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed to remove, limit, or otherwise affect
13 any obligation of a covered health care professional under
14 the Controlled Substances Act.

15 “(d) DEFINITIONS.— In this section:

16 “(1) The terms ‘controlled substance’, ‘deliver’,
17 ‘dispense’, and ‘distribute’ have the meanings given
18 such terms in section 102 of the Controlled Sub-
19 stances Act, respectively.

20 “(2) The term ‘covered health care professional’
21 means—

22 “(A) a health care professional who—

23 “(i) is an employee of the Department
24 appointed under section 7306, 7401, 7405,
25 7406, or 7408 of this title or under title 5;

1 “(ii) is not a contractor of the De-
2 partment;

3 “(iii) is authorized by the Secretary to
4 provide health care under this chapter;

5 “(iv) is required to adhere to all
6 standards for quality relating to the provi-
7 sion of health care in accordance with ap-
8 plicable policies of the Department;

9 “(v) has an active, current, full, and
10 unrestricted license, registration, or certifi-
11 cation or meets qualification standards set
12 forth by the Secretary within a specified
13 time frame; and

14 “(vi) with respect to a health care
15 profession listed under section 7402(b) of
16 this title, has the qualifications for such
17 profession as set forth by the Secretary;
18 and

19 “(B) a health professions trainee who—

20 “(i) is appointed under section 7405
21 of this title; and

22 “(ii) is under the clinical supervision
23 of a health care professional described in
24 subparagraph (A).”.

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