

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7858

[Report No. 118-]

To amend title XVIII of the Social Security Act to establish a Medicare incident to modifier for mental health services furnished through telehealth.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2024

Mr. JAMES (for himself, Mr. SCHWEIKERT, and Mr. DAVIS of North Carolina) 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

JUNE --, 2024

Reported from the Committee on Energy and Commerce with amendments

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 2, 2024]

# **A BILL**

To amend title XVIII of the Social Security Act to establish a Medicare incident to modifier for mental health services furnished through telehealth.

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 “Telehealth Enhancement*  
5 *for Mental Health Act of 2024” or the “TELEMH Act of*  
6 *2024”.*

7 **SEC. 2. ESTABLISHMENT OF MEDICARE INCIDENT TO MODI-**  
8 **FIER FOR MENTAL HEALTH SERVICES FUR-**  
9 **NISHED THROUGH TELEHEALTH AND OTHER**  
10 **TELEHEALTH SERVICES.**

11 *Section 1834(m) of the Social Security Act (42 U.S.C.*  
12 *1395m(m)) is amended by adding at the end the following*  
13 *new paragraph:*

14 *“(10) REQUIRED USE OF MODIFIERS IN CERTAIN*  
15 *INSTANCES.—Not later than January 1, 2026, the*  
16 *Secretary shall establish requirements to include a*  
17 *code or modifier, as determined appropriate by the*  
18 *Secretary, in the case of claims for telehealth services*  
19 *under this subsection that are billed incident to a*  
20 *physician’s or practitioner’s professional service.”.*

Amend the title so as to read: “A bill to amend title XVIII of the Social Security Act to establish a Medicare incident to modifier for mental health services furnished through telehealth and other telehealth services.”.