## AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 9457 OFFERED BY MRS. HAYES OF CONNECTICUT

Add at the end the following:

1	SEC. 3. PROHIBITING HEALTH CARE PROVIDERS AND FA-
2	CILITIES FROM IMPOSING CERTAIN FACILITY
3	FEES FOR TELEHEALTH.
4	(a) In General.—Subtitle B of title I of the Em-
5	ployee Retirement Income Security Act of 1974 (29
6	U.S.C. 1021 et seq.) is amended by adding at the end
7	the following new part:
8	"PART 9—BILLING REQUIREMENTS FOR HEALTH
9	CARE FACILITIES AND PROVIDERS
10	"SEC. 901. LIMITATION ON TELEHEALTH FACILITY FEES.
11	"A health care facility may not bill a separate facility
12	fee when a health care provider who provided telehealth
13	services is authorized to bill independently for the profes-
14	sional services rendered.".
15	(b) Enforcement.—Section 502 of the Employee
16	Retirement Income Security Act of 1974 (29 U.S.C. 1132)
17	is amended—
18	(1) in subsection (a)(6), by striking "or (9)"
19	and inserting "(9), or (13)"; and

1	(2) in subsection (c), by adding at the end the
2	following new paragraph:
3	"(13) If a health care provider or facility is
4	found by the Secretary to be in violation of section
5	901, the Secretary may assess a civil monetary pen-
6	alty against such provider or facility in an amount
7	not to exceed \$10,000 per violation.".
8	(c) CLERICAL AMENDMENT.—The table of contents
9	of the Employee Retirement Income Security Act of 1974
10	(29 U.S.C. 1001 note) is amended by inserting after the
11	item relating to section 804 the following new item:
	"Part 9—Billing Requirements for Health Care Facilities and

"901. Limitation on telehealth facility fees.".



Providers