

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO SUBTITLE I  
OFFERED BY M . \_\_\_\_\_**

Add at the end the following new section:

1 **SEC. 30904. EXTENDING MEDICARE TELEHEALTH FLEXI-**  
2 **BILITIES.**

3 (a) EXPANDING ACCESS TO TELEHEALTH SERV-  
4 ICES.—

5 (1) IN GENERAL.—Section 1834(m)(4)(C) of  
6 the Social Security Act (42 U.S.C. 1395m(m)(4)(C))  
7 is amended by adding at the end the following new  
8 clause:

9 “(iii) EXPANDING ACCESS TO TELE-  
10 HEALTH SERVICES.—With respect to tele-  
11 health services furnished beginning on the  
12 first day after the end of the emergency  
13 period described in section 1135(g)(1)(B)  
14 of this clause, the term ‘originating site’  
15 means any site at which the eligible tele-  
16 health individual is located at the time the  
17 service is furnished via a telecommuni-  
18 cations system, including the home of an  
19 individual.”.

1           (2) CONFORMING AMENDMENTS.—Such section  
2       is amended—

3           (A) in paragraph (2)(B)—

4               (i) in clause (i), in the matter pre-  
5       ceding subclause (I), by striking “clause  
6       (ii)” and inserting “clauses (ii) and (iii)”;  
7       and

8               (ii) by adding at the end the following  
9       new clause:

10               “(iii) NO FACILITY FEE FOR NEW  
11       SITES.—With respect to telehealth services  
12       furnished on or after the date of enact-  
13       ment of this clause, a facility fee shall only  
14       be paid under this subparagraph to an  
15       originating site that is described in para-  
16       graph (4)(C)(ii) (other than subclause (X)  
17       of such paragraph).”;

18           (B) in paragraph (4)(C)—

19               (i) in clause (i), in the matter pre-  
20       ceding subclause (I), by inserting “and  
21       clause (iii)” after “and (7)”; and

22               (ii) in clause (ii)(X), by inserting  
23       “prior to the first day after the end of the  
24       emergency period described in section  
25       1135(g)(1)(B)” before the period;

1 (C) in paragraph (5), by inserting “and  
2 prior to the first day after the end of the emer-  
3 gency period described in section  
4 1135(g)(1)(B)” after “January 1, 2019,”;

5 (D) in paragraph (6)(A), by inserting “and  
6 prior to the first day after the end of the emer-  
7 gency period described in section  
8 1135(g)(1)(B),” after “January 1, 2019,”; and

9 (E) in paragraph (7), by adding at the end  
10 the following new subparagraph:

11 “(C) SUNSET.—The provisions of this  
12 paragraph shall not apply with respect to serv-  
13 ices furnished on or after the first day after the  
14 end of the emergency period described in sec-  
15 tion 1135(g)(1)(B).”.

16 (b) EXPANDING PRACTITIONERS ELIGIBLE TO FUR-  
17 NISH TELEHEALTH SERVICES.—Section 1834(m) of the  
18 Social Security Act (42 U.S.C. 1395m(m)) is amended—

19 (1) in paragraph (1), by striking “(described in  
20 section 1842(b)(18)(C))” and inserting “(defined in  
21 paragraph (4)(E))”; and

22 (2) in paragraph (4)(E)—

23 (A) by striking “PRACTITIONER.—The  
24 term” and inserting “PRACTITIONER.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), the term”; and

3           (B) by adding at the end the following new  
4 subparagraph:

5           “(B) EXPANSION.—The Secretary, after  
6 consulting with stakeholders regarding services  
7 that are clinically appropriate, may expand the  
8 types of practitioners who may furnish tele-  
9 health services to include any health care pro-  
10 fessional that is eligible to bill the program  
11 under this title for their professional services.”.

12       (c) RETENTION OF ADDITIONAL SERVICES AND SUB-  
13 REGULATORY PROCESS FOR MODIFICATIONS FOLLOWING  
14 EMERGENCY PERIOD.—Section 1834(m)(4)(F) of the So-  
15 cial Security Act (42 U.S.C. 1395m(m)(4)(F)) is amend-  
16 ed—

17           (1) in clause (i), by inserting “and clause (iii)”  
18 after “paragraph (8)”;

19           (2) in clause (ii), by striking “The Secretary”  
20 and inserting “Subject to clause (iii), the Sec-  
21 retary”; and

22           (3) by adding at the end the following new  
23 clause:

24                           “(iii) RETENTION OF ADDITIONAL  
25 SERVICES AND SUBREGULATORY PROCESS

1 FOR MODIFICATIONS FOLLOWING EMER-  
2 GENCY PERIOD.—With respect to tele-  
3 health services furnished after the last day  
4 of the emergency period described in sec-  
5 tion 1135(g)(1)(B), the Secretary may—

6 “(I) retain as appropriate the ex-  
7 panded list of telehealth services spec-  
8 ified in clause (i) pursuant to the  
9 waiver authority under section  
10 1135(b)(8) during such emergency pe-  
11 riod; and

12 “(II) retain the subregulatory  
13 process used to modify the services in-  
14 cluded on the list of such telehealth  
15 services pursuant to clause (ii) during  
16 such emergency period.”.

17 (d) ENHANCING TELEHEALTH SERVICES FOR FED-  
18 ERALLY QUALIFIED HEALTH CENTERS AND RURAL  
19 HEALTH CLINICS.—Section 1834(m)(8) of the Social Se-  
20 curity Act (42 U.S.C. 1395m(m)(8)) is amended—

21 (1) in the paragraph heading by inserting “AND  
22 AFTER” after “DURING”;

23 (2) in subparagraph (A), in the matter pre-  
24 ceding clause (i), by inserting “and after” after  
25 “During”; and

1           (3) in the first sentence of subparagraph (B)(i),  
2           by inserting “and after” after “during”.

3           (e) USE OF TELEHEALTH, AS CLINICALLY APPRO-  
4           PRIATE, TO CONDUCT FACE-TO-FACE ENCOUNTER FOR  
5           HOSPICE CARE.—Section 1814(a)(7)(D)(i)(II) of the So-  
6           cial Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is  
7           amended by inserting “and after such emergency period  
8           as clinically appropriate” after “1135(g)(1)(B)”.

9           (f) USE OF TELEHEALTH, AS CLINICALLY APPRO-  
10          PRIATE, TO CONDUCT FACE-TO-FACE CLINICAL ASSESS-  
11          MENTS FOR HOME DIALYSIS.—Clause (iii) of section  
12          1881(b)(3)(B) of the Social Security Act (42 U.S.C.  
13          1395rr(b)(3)(B)) is amended—

14           (1) by moving such clause 4 ems to the left;  
15          and

16           (2) by inserting “and after such emergency pe-  
17          riod as clinically appropriate” before the period.

18          (g) IMPLEMENTATION.—Notwithstanding any provi-  
19          sion of law, the Secretary may implement the provisions  
20          of, and amendments made by, this section by interim final  
21          rule, program instruction, or otherwise.

