

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5603
OFFERED BY MS. MATSUI OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Access to Telehealth
3 Services for Substance Use Disorders Act”.

**4 SEC. 2. AUTHORITY NOT TO APPLY CERTAIN MEDICARE
5 TELEHEALTH REQUIREMENTS IN THE CASE
6 OF CERTAIN TREATMENT OF A SUBSTANCE
7 USE DISORDER OR CO-OCCURRING MENTAL
8 HEALTH DISORDER.**

9 Section 1834(m) of the Social Security Act (42
10 U.S.C. 1395m(m)) is amended—

11 (1) in paragraph (2)(B)(i), by inserting “and
12 paragraph (7)(E)” after “subject to clause (ii)”; and

13 (2) by adding at the end the following new
14 paragraphs:

15 “(7) AUTHORITY NOT TO APPLY CERTAIN RE-
16 QUIREMENTS IN THE CASE OF CERTAIN TREATMENT
17 OF SUBSTANCE USE DISORDER OR CO-OCCURRING
18 MENTAL HEALTH DISORDER.—

1 “(A) IN GENERAL.—For purposes of pay-
2 ment under this subsection, in the case of tele-
3 health services described in subparagraph (C)
4 furnished on or after January 1, 2020, to an el-
5 igible beneficiary (as defined in subparagraph
6 (F)) for the treatment of a substance use dis-
7 order or a mental health disorder that is co-oc-
8 curring with a substance use disorder, the Sec-
9 retary is authorized to, through rulemaking, not
10 apply any of the requirements described in sub-
11 paragraph (B).

12 “(B) REQUIREMENTS DESCRIBED.—For
13 purposes of this paragraph, the requirements
14 described in this subparagraph are any of the
15 following:

16 “(i) Qualifications for an originating
17 site under paragraph (4)(C)(ii).

18 “(ii) Geographic limitations under
19 paragraph (4)(C)(i).

20 “(C) TELEHEALTH SERVICES DE-
21 SCRIBED.—For purposes of this paragraph, the
22 telehealth services described in this subpara-
23 graph are services that are both telehealth serv-
24 ices and identified by the Secretary, through
25 rulemaking, as services that are the most com-

1 monly furnished (as defined by the Secretary)
2 under this part to individuals diagnosed with a
3 substance use disorder or a mental health dis-
4 order that is co-occurring with a substance use
5 disorder.

6 “(D) CLARIFICATION.—Nothing in this
7 paragraph shall be construed as limiting or oth-
8 erwise affecting the authority of the Secretary
9 to limit or eliminate the non-application pursu-
10 ant to this paragraph of any of the require-
11 ments under subparagraph (B).

12 “(E) TREATMENT OF ORIGINATING SITE
13 FACILITY FEE.—No facility fee shall be paid
14 under paragraph (2)(B) to an originating site
15 with respect to a telehealth service described in
16 subparagraph (B) for which payment is made
17 under this subsection by reason of the non-ap-
18 plication of a requirement described in subpara-
19 graph (B) pursuant to this paragraph if pay-
20 ment for such service would not otherwise be
21 permitted under this subsection if such require-
22 ment were applied.

23 “(F) ELIGIBLE BENEFICIARY DEFINED.—
24 For purposes of this paragraph, the term ‘eligi-
25 ble beneficiary’ means an individual who—

1 “(i) is entitled to, or enrolled for, ben-
2 efits under part A and enrolled for benefits
3 under this part;

4 “(ii) has a diagnosis for a substance
5 use disorder; and

6 “(iii) meets such other criteria as the
7 Secretary determines appropriate.

8 “(G) REPORT.—Not later than 5 years
9 after the date of the enactment of this para-
10 graph, the Secretary shall submit to Congress a
11 report on the impact of any non-application
12 under this paragraph of any of the require-
13 ments described in subparagraph (B) on

14 “(i) the utilization of health care serv-
15 ices related to substance use disorder, such
16 as behavioral health services and emer-
17 gency department visits; and

18 “(ii) health outcomes related to sub-
19 stance use disorder, such as substance use
20 overdose deaths.

21 “(H) FUNDING.—For purposes of carrying
22 out this paragraph, in addition to funds other-
23 wise available, the Secretary shall provide for
24 the transfer, from the Federal Supplementary
25 Medical Insurance Trust Fund under section

1 1841, of \$3,000,000 to the Centers for Medi-
2 care & Medicaid Services Program Management
3 Account to remain available until expended.

4 “(8) RULE OF CONSTRUCTION.—Nothing in
5 this subsection may be construed as waiving require-
6 ments under this title to comply with applicable
7 State law, including State licensure requirements.”.

Amend the title so as to read: “A bill To amend title XVIII of the Social Security Act to provide the Secretary of Health and Human Services authority not to apply certain Medicare telehealth requirements in the case of certain treatment of a substance use disorder or co-occurring mental health disorder.”.

