

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7858
OFFERED BY M. _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Telehealth Enhance-
3 ment for Mental Health Act of 2024” or the “TELEMH
4 Act of 2024”.

**5 SEC. 2. ESTABLISHMENT OF MEDICARE INCIDENT TO
6 MODIFIER FOR MENTAL HEALTH SERVICES
7 FURNISHED THROUGH TELEHEALTH AND
8 OTHER TELEHEALTH SERVICES.**

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

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

Amend the long title to read as follows: “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.”

