

118TH CONGRESS
2D SESSION

H. R. 7858

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

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

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 Enhance-
5 ment for Mental Health Act of 2024” or the “TELEMH
6 Act of 2024”.

1 **SEC. 2. ESTABLISHMENT OF MEDICARE INCIDENT TO**
2 **MODIFIER FOR MENTAL HEALTH SERVICES**
3 **FURNISHED THROUGH TELEHEALTH.**

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

7 “(C) ESTABLISHMENT OF INCIDENT TO
8 MODIFIER FOR MENTAL HEALTH SERVICES
9 FURNISHED THROUGH TELEHEALTH.—Not
10 later than 2 years after the date of the enact-
11 ment of this subparagraph, the Secretary shall
12 establish requirements to include a code or
13 modifier, as determined appropriate by the Sec-
14 retary, on claims for mental health services fur-
15 nished through telehealth under this paragraph
16 that are furnished by auxiliary personnel (as
17 defined in section 410.26(a)(1) of title 42, Code
18 of Federal Regulations, or any successor regula-
19 tion) and billed incident to a physician or prac-
20 titioner’s professional services.”.

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