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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

To amend title XVIII of the Social Security Act to expand the use of telehealth under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of Ohio (for himself and Ms. MATSUI) introduced the following bill; which was referred to the Committee on

A BILL

To amend title XVIII of the Social Security Act to expand the use of telehealth under the Medicare program, and for other purposes.

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 “Evidence-Based Tele-
5 health Expansion Act of 2017”.

1 **SEC. 2. EXPANDING THE USE OF TELEHEALTH THROUGH**
2 **THE WAIVER OF CERTAIN REQUIREMENTS.**

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

6 “(5) **AUTHORITY TO WAIVE REQUIREMENTS**
7 **AND LIMITATIONS IF CERTAIN CONDITIONS MET.—**

8 “(A) **IN GENERAL.—**In the case of tele-
9 health services furnished on or after January 1,
10 2018, the Secretary may waive any restriction
11 applicable to the coverage of telehealth services
12 under this subsection described in subpara-
13 graph (B) with respect to certain providers of
14 services, suppliers, provider groups, sites of
15 care, services, conditions, individuals receiving
16 the services, or States, as determined by the
17 Secretary, if each of the requirements described
18 in subparagraph (C) is met with respect to the
19 waiver.

20 “(B) **RESTRICTIONS DESCRIBED.—**For
21 purposes of this paragraph, restrictions applica-
22 ble to the coverage of telehealth services under
23 this subsection shall include requirements relat-
24 ing to qualifications for an originating site
25 under paragraph (4)(C)(ii), any geographic lim-
26 itations under paragraph (4)(C)(i) (other than

1 applicable State law requirements, including
2 State licensure requirements), any limitation on
3 the use of store-and-forward technologies de-
4 scribed in paragraph (1), any limitation on the
5 type of health care provider who may furnish
6 such services (other than the requirement that
7 the provider is a Medicare-enrolled provider), or
8 any limitation on specific codes designated as
9 telehealth services that are covered under this
10 title pursuant to this subsection (provided such
11 codes are clinically appropriate to furnish re-
12 motely).

13 “(C) REQUIREMENTS FOR WAIVER.—The
14 requirements described in this subparagraph
15 are, with respect to the waiver of a restriction
16 described in subparagraph (B), the following:

17 “(i) The Secretary determines that
18 the waiver is expected to—

19 “(I) reduce spending under this
20 title without reducing the quality of
21 care; or

22 “(II) improve the quality of pa-
23 tient care without increasing spend-
24 ing.

1 “(ii) The Chief Actuary of the Centers
2 for Medicare & Medicaid Services certifies
3 that such waiver would reduce (or would
4 not result in any increase in) net program
5 spending under this title.

6 “(iii) The Secretary determines that
7 such waiver would not deny or limit the
8 coverage or provision of benefits under this
9 title for individuals.

10 “(D) PUBLIC COMMENT.—The Secretary
11 shall establish a process by which stakeholders
12 may (on at least an annual basis) submit re-
13 quests for a waiver under this paragraph.”.