

**TEXT FROM:** <https://www.congress.gov/bill/116th-congress/house-bill/6074/text> relating to telehealth

## **DIVISION B—TELEHEALTH SERVICES DURING CERTAIN EMERGENCY PERIODS**

### SHORT TITLE

#### SEC. 101.

This division may be cited as the “Telehealth Services During Certain Emergency Periods Act of 2020”.

### SECRETARIAL AUTHORITY TO TEMPORARILY WAIVE OR MODIFY APPLICATION OF CERTAIN MEDICARE REQUIREMENTS WITH RESPECT TO TELEHEALTH SERVICES FURNISHED DURING CERTAIN EMERGENCY PERIODS

#### SEC. 102.

(a) IN GENERAL.—

(1) WAIVER AUTHORITY.—The first sentence of section 1135(b) of the Social Security Act ([42 U.S.C. 1320b–5\(b\)](#)) is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by inserting after paragraph (7) the following new paragraph:

“(8) in the case of a telehealth service (as defined in paragraph (4)(F) of section 1834(m)) furnished in any emergency area (or portion of such an area) during any portion of any emergency period to an individual by a qualified provider (as defined in subsection (g)(3))—

“(A) the requirements of paragraph (4)(C) of such section, except that a facility fee under paragraph (2)(B)(i) of such section may only be paid to an originating site that is a site described in any of subclauses (I) through (IX) of paragraph (4)(C)(ii) of such section; and

“(B) the restriction on use of a telephone described in the second sentence of section 410.78(a)(3) of title 42, Code of Federal Regulations (or a successor regulation), but only if such telephone has audio and video capabilities that are used for two-way, real-time interactive communication.”.

(2) DEFINITION OF QUALIFIED PROVIDER.—Section 1135(g) of the Social Security Act ([42 U.S.C. 1320b–5\(g\)](#)) is amended by adding at the end the following new paragraph:

“(3) QUALIFIED PROVIDER.—The term ‘qualified provider’ means, with respect a telehealth service (as defined in paragraph (4)(F) of section 1834(m)) furnished to an individual, a physician or practitioner (as defined in paragraph (4)(D) or (4)(E), respectively, of such section) who—

“(A) furnished to such individual an item or service for which payment was made under title XVIII during the 3-year period ending on the date such telehealth service was furnished; or

“(B) is in the same practice (as determined by tax identification number) of a physician or practitioner (as so defined) who furnished such an item or service to such individual during such period.”.

(3) IMPLEMENTATION.—The Secretary of Health and Human Services may implement the amendments made by this subsection by program instruction or otherwise.

(b) CLARIFICATION OF DEFINITIONS OF EMERGENCY AREA AND EMERGENCY PERIOD.— Paragraph (1) of section 1135(g) of the Social Security Act ([42 U.S.C. 1320b–5\(g\)](#)) is amended to read as follows:

“(1) EMERGENCY AREA; EMERGENCY PERIOD.—

“(A) IN GENERAL.—Subject to subparagraph (B), an ‘emergency area’ is a geographical area in which, and an ‘emergency period’ is the period during which, there exists—

“(i) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

“(ii) a public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act.

“(B) EXCEPTION. —For purposes of subsection (b)(8), an ‘emergency area’ is a geographical area in which, and an ‘emergency period’ is the period during which, there exists—

“(i) the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled ‘Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus’; and

“(ii) any renewal of such declaration pursuant to such section 319.”.

## **CMS documents for COVID-19 reimbursement**

<https://www.cms.gov/files/document/03052020-medicare-covid-19-fact-sheet.pdf>

<https://www.cms.gov/files/document/03052020-individual-small-market-covid-19-fact-sheet.pdf>

<https://www.cms.gov/newsroom/press-releases/cms-develops-additional-code-coronavirus-lab-tests>