

# Union Calendar No. 785

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9457

**[Report No. 118–876, Part I]**

To amend the Employee Retirement Income Security Act of 1974 to prohibit increased payments under a group health plan or group health insurance coverage for telehealth services furnished by a provider located at a facility.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2024

Mr. BEAN of Florida introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, 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

DECEMBER 16, 2024

Reported from the Committee on Education and the Workforce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 16, 2024

Referral to the Committee on Energy and Commerce extended for a period ending not later than December 19, 2024

DECEMBER 19, 2024

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 6, 2024]

# **A BILL**

To amend the Employee Retirement Income Security Act of 1974 to prohibit increased payments under a group health plan or group health insurance coverage for telehealth services furnished by a provider located at a facility.

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 “Transparent Telehealth*  
5 *Bills Act of 2024”.*

6 **SEC. 2. PROHIBITING INCREASED PAYMENTS UNDER A**  
7                    **GROUP HEALTH PLAN OR GROUP HEALTH IN-**  
8                    **SURANCE COVERAGE FOR TELEHEALTH**  
9                    **SERVICES FURNISHED BY A PROVIDER LO-**  
10                   **CATED AT A FACILITY.**

11        *(a) IN GENERAL.—Subpart B of part 7 of subtitle B*  
12 *of title I of the Employee Retirement Income Security Act*  
13 *of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at*  
14 *the end the following new section:*

15 **“SEC. 726. PROHIBITION ON INCREASED PAYMENTS FOR**  
16                    **TELEHEALTH SERVICES FURNISHED BY A**  
17                    **PROVIDER LOCATED AT A FACILITY.**

18        *“(a) IN GENERAL.—In the case of a telehealth service*  
19 *furnished to a participant or beneficiary of a group health*  
20 *plan or group health insurance coverage by a health care*  
21 *provider located at a health care facility, the total amount*  
22 *recognized by such plan or coverage as payment for such*  
23 *service (including any facility fee or other amount that may*  
24 *be billed separately by such facility in relation to such pro-*  
25 *vider’s furnishing of such service) may not exceed the total*

1 amount that would have been recognized by such plan or  
2 coverage as payment for such service had such provider not  
3 been located at such a facility.

4 “(b) *TELEHEALTH SERVICE DEFINED.*—For purposes  
5 of this section, the term ‘telehealth service’ means a service  
6 furnished by a health care provider via a telecommuni-  
7 cations system where such provider is not at the same loca-  
8 tion as the individual receiving such service.”.

9 (b) *CLERICAL AMENDMENT.*—The table of contents in  
10 section 1 of such Act is amended by inserting after the item  
11 relating to section 725 the following new item:

“Sec. 726. *Prohibition on increased payments for telehealth services furnished by  
a provider located at a facility.*”.

12 (c) *REPORT.*—Not later than 18 months after the date  
13 of the enactment of this Act, the Comptroller General of the  
14 United States shall submit to Congress a report on what  
15 is known about the use of telehealth under group health  
16 plans and group or individual health insurance coverage  
17 (as such terms are defined in section 2791 of the Public  
18 Health Service Act (42 U.S.C. 1395x)). Such report shall  
19 include the following:

20 (1) *Trends and statistics regarding the use of*  
21 *telehealth for specific types of care, including primary*  
22 *care, mental health care, and specialty care.*

1           (2) *Trends and statistics regarding the avail-*  
2 *ability, access, and utilization of telehealth services by*  
3 *individuals residing in rural areas and urban areas.*

4           (3) *Trends and statistics regarding the applica-*  
5 *tion of hospital facility fees in the context of telehealth*  
6 *services.*

7           (4) *Trends and statistics regarding how individ-*  
8 *uals access telehealth services, including with respect*  
9 *to the devices used and tools offered by such plans and*  
10 *issuers of such coverage to facilitate access to such*  
11 *services and with respect to the utilization of audio-*  
12 *only telehealth services.*

13           (5) *Trends and statistics with respect to individ-*  
14 *uals accessing telehealth services provided from physi-*  
15 *cians or other medical professionals residing in a*  
16 *State other than the State that the individual is lo-*  
17 *cated in while receiving such services and with respect*  
18 *to applicable State laws or State-to-State compacts*  
19 *that impact cross-State provision of telehealth serv-*  
20 *ices.*

21           (6) *Trends and statistics regarding payment and*  
22 *reimbursement for telehealth services.*

23           (7) *Trends and statistics regarding premiums for*  
24 *such plans and coverage offering telehealth services.*

1           (d) *EFFECTIVE DATE.*—The amendment made by sub-  
2 section (a) shall apply to plan years beginning on or after  
3 January 1, 2026.

4 **SEC. 3. PROHIBITING HEALTH CARE PROVIDERS AND FA-**  
5 **CILITIES FROM IMPOSING CERTAIN FACILITY**  
6 **FEEES FOR TELEHEALTH.**

7           (a) *IN GENERAL.*—Subtitle B of title I of the Employee  
8 Retirement Income Security Act of 1974 (29 U.S.C. 1021  
9 et seq.) is amended by adding at the end the following new  
10 part:

11 **“PART 9—BILLING REQUIREMENTS FOR HEALTH**  
12 **CARE FACILITIES AND PROVIDERS**

13 **“SEC. 901. LIMITATION ON TELEHEALTH FACILITY FEES.**

14           “A health care facility may not bill a separate facility  
15 fee when a health care provider who provided telehealth  
16 services is authorized to bill independently for the profes-  
17 sional services rendered.”.

18           (b) *ENFORCEMENT.*—Section 502 of the Employee Re-  
19 tirement Income Security Act of 1974 (29 U.S.C. 1132) is  
20 amended—

21                   (1) in subsection (a)(6), by striking “or (9)” and  
22                   inserting “(9), or (13)”; and

23                   (2) in subsection (c), by adding at the end the  
24                   following new paragraph:

1           “(13) *If a health care provider or facility is*  
2           *found by the Secretary to be in violation of section*  
3           *901, the Secretary may assess a civil monetary pen-*  
4           *alty against such provider or facility in an amount*  
5           *not to exceed \$10,000 per violation.”.*

6           *(c) CLERICAL AMENDMENT.—The table of contents of*  
7           *the Employee Retirement Income Security Act of 1974 (29*  
8           *U.S.C. 1001 note) is amended by inserting after the item*  
9           *relating to section 804 the following new item:*

“PART 9—BILLING REQUIREMENTS FOR HEALTH CARE FACILITIES AND  
PROVIDERS

“901. *Limitation on telehealth facility fees.*”.

Union Calendar No. 785

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 9457**

[Report No. 118-876, Part I]

---

---

## **A BILL**

To amend the Employee Retirement Income Security Act of 1974 to prohibit increased payments under a group health plan or group health insurance coverage for telehealth services furnished by a provider located at a facility.

---

---

DECEMBER 19, 2024

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed