

117TH CONGRESS
1ST SESSION

S. 2111

To amend title XVIII of the Social Security Act to provide for the waiver of certain telehealth requirements to permit reimbursement for audio-only telehealth services under the Medicare program during emergency declarations.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide for the waiver of certain telehealth requirements to permit reimbursement for audio-only telehealth services under the Medicare program during emergency declarations.

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 “Audio-Only Telehealth
5 for Emergencies Act”.

1 **SEC. 2. WAIVER OF CERTAIN TELEHEALTH REQUIREMENTS**
 2 **TO PERMIT REIMBURSEMENT FOR AUDIO-**
 3 **ONLY TELEHEALTH SERVICES UNDER THE**
 4 **MEDICARE PROGRAM DURING EMERGENCY**
 5 **DECLARATIONS.**

6 Section 1834(m) of the Social Security Act (42
 7 U.S.C. 1395m(m)) of the Social Security Act (42 U.S.C.
 8 1395m(m)) is amended—

9 (1) in paragraph (1), by striking “paragraph
 10 (8)” and inserting “paragraphs (8) and (9)”; and

11 (2) by adding at the end the following new
 12 paragraph:

13 “(9) REIMBURSEMENT FOR AUDIO-ONLY TELE-
 14 HEALTH SERVICES DURING EMERGENCY DECLARA-
 15 TIONS.—

16 “(A) IN GENERAL.—With respect to tele-
 17 health services furnished on or after the date of
 18 enactment of this paragraph, the Secretary
 19 shall waive the requirements of paragraph (1)
 20 and section 410.78(a)(3) of title 42, Code of
 21 Federal Regulations (or any successor regula-
 22 tion), relating to the use of interactive tele-
 23 communications systems to furnish telehealth
 24 services, to the extent such provisions require
 25 the use of video technology, to allow for the fur-
 26 nishing of telehealth services using audio-only

1 technology, as determined appropriate by the
2 Secretary, with respect to such services fur-
3 nished in any geographical area in which, and
4 any period during which, there exists—

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

10 “(ii) a public health emergency de-
11 clared by the Secretary pursuant to section
12 319 of the Public Health Service Act.

13 “(B) PAYMENT PARITY.—The Secretary
14 shall provide that any telehealth service fur-
15 nished using audio-only technology pursuant to
16 a waiver under subparagraph (A) is reimbursed
17 at the same rate at which the service would be
18 reimbursed if furnished in person.”.

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