

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 426

To establish a National Commission on Telemedicine.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1995

Mr. COMBEST introduced the following bill; which was referred to the  
Committee on Commerce

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## A BILL

To establish a National Commission on Telemedicine.

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 “National Commission  
5 on Telemedicine Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission to be known as the  
8 National Commission on Telemedicine (in this Act re-  
9 ferred to as the “Commission”).

10 **SEC. 3. DUTIES.**

11 The Commission shall carry out the following duties:

1           (1) Conduct a complete assessment of the use  
2 of existing and emerging wired and wireless tele-  
3 communications and information systems tech-  
4 nologies:

5           (A) in the provision of health care and in  
6 the performance of health research—

7           (i) to transmit, compress, and archive  
8 data; and

9           (ii) to perform examinations and pro-  
10 cedures, and to conduct consultations, re-  
11 lating to the diagnosis and treatment of ill-  
12 nesses, injuries, and other physical and  
13 mental conditions;

14          (B) in the training of students of health  
15 professions and the continuing education of  
16 practicing health care providers; and

17          (C) in the monitoring of medical conditions  
18 by individuals at home.

19           (2) Assess whether such technologies are effec-  
20 tive in improving the quality and accessibility of  
21 health care and reducing the costs of such care.

22           (3) Identify obstacles that may impede such  
23 technologies from being widely used and accepted by  
24 health care providers.

1           (4) Develop a model definition of the term  
2           “telemedicine” that may be used by health care pro-  
3           viders, persons that provide payment for health care  
4           services, and other participants in the health care  
5           system.

6           (5) Establish terms for appropriate reimburse-  
7           ment for such “telemedicine” services by public  
8           agencies that, and private persons who, provide pay-  
9           ments for health care services.

10 **SEC. 4. MEMBERSHIP.**

11           (a) SIZE AND COMPOSITION.—The Commission shall  
12           be composed of 37 members appointed in accordance with  
13           subsection (b) from individuals who are not officers or em-  
14           ployees of any government. The membership shall include  
15           the following:

16           (1) A physician specializing in emergency medi-  
17           cine.

18           (2) A representative of the insurance industry  
19           who is experienced in reimbursement issues.

20           (3) A representative of the wireless communica-  
21           tion and data transfer industry.

22           (4) A representative of the wire and fiber-optic  
23           communication and data transfer industry.

24           (5) A biomedical engineer.

1           (6) A representative of the computer technology  
2           and data compression industry.

3           (7) Three members of the emergency medical  
4           technician, trauma nursing, and physician assistant  
5           professions (one member from each such profession).

6           (8) A physician whose practice consists exclu-  
7           sively of providing consultations.

8           (9) A medical school educator.

9           (10) A health care provider who practices in a  
10          correctional facility.

11          (11) A rural health care provider.

12          (12) A health care lawyer.

13          (13) A health care administrator.

14          (14) A public health educator.

15          (15) A small businessman involved in the de-  
16          sign, manufacture, or sale of telecommunications or  
17          information systems hardware used in the provision  
18          of health care.

19          (b) APPOINTMENT.—Not later than the expiration of  
20          the 60-day period beginning on the date of the enactment  
21          of this Act, the President, the Speaker of the House of  
22          Representatives, and the majority leader of the Senate  
23          shall each submit to the Secretary of Commerce a list of  
24          individuals recommended for appointment to the Commis-  
25          sion. Not later than the expiration of the 90-day period

1 beginning on the date of the enactment of this Act, such  
2 Secretary shall appoint the members of the Commission  
3 after consulting with the individuals who have submitted  
4 the lists. The Commission shall be composed of at least  
5 12 individuals recommended by the President, at least 12  
6 individuals recommended by the Speaker of the House of  
7 Representatives, and at least 12 individuals recommended  
8 by the majority leader of the Senate.

9 (c) TERMS.—Each member shall be appointed for the  
10 life of the Commission.

11 (d) VACANCIES.—A vacancy in the Commission shall  
12 be filled by the Secretary of Commerce, in consultation  
13 with the President, the Speaker of the House of Rep-  
14 resentatives, and the majority leader of the Senate.

15 (e) COMPENSATION.—

16 (1) RATES OF PAY.—Members of the Commis-  
17 sion shall be paid at a rate fixed by the Secretary  
18 of Commerce not to exceed the maximum rate of  
19 basic pay payable for GS-15 of the General Sched-  
20 ule. A member of the Commission who is detailed by  
21 a private person to serve on the Commission and  
22 who continues to receive the member's usual salary  
23 and benefits from such person while serving on the  
24 Commission shall serve without pay.

1           (2) TRAVEL EXPENSES.—Each member of the  
2           Commission shall receive travel expenses, including  
3           per diem in lieu of subsistence, in accordance with  
4           sections 5702 and 5703 of title 5, United States  
5           Code.

6           (f) QUORUM.—19 members of the Commission shall  
7           constitute a quorum, but a lesser number may hold hear-  
8           ings, take testimony, or receive evidence.

9           (g) CHAIRPERSON.—The chairperson of the Commis-  
10          sion shall be designated by the Secretary of Commerce at  
11          the time of appointment.

12          (h) MEETINGS.—The Commission shall meet at the  
13          call of the chairperson of the Commission or a majority  
14          of its members.

15          **SEC. 5. STAFF AND SUPPORT SERVICES.**

16          (a) DIRECTOR.—The Commission shall have a direc-  
17          tor appointed by the Commission and paid at a rate fixed  
18          by the Secretary of Commerce not to exceed the maximum  
19          rate of basic pay payable for GS–13 of the General Sched-  
20          ule.

21          (b) STAFF.—The Commission may appoint additional  
22          personnel as it considers appropriate. Pay for such person-  
23          nel shall be fixed by the Secretary of Commerce at rates  
24          that do not exceed the maximum rate of basic pay payable  
25          for GS–11 of the General Schedule.

1 (c) EXCEPTION.—A member of the staff of the Com-  
2 mission who is detailed by a public or private person to  
3 assist the Commission and who continues to receive the  
4 member's usual salary and benefits from such person  
5 while assisting the Commission shall not receive pay under  
6 subsection (a) or (b).

7 (d) APPLICABILITY OF CERTAIN CIVIL SERVICE  
8 LAWS.—The director and staff of the Commission may be  
9 appointed without regard to the provisions of title 5, Unit-  
10 ed States Code, governing appointments in the competitive  
11 service, and may be paid without regard to the provisions  
12 of chapter 51 and subchapter III of chapter 53 of that  
13 title relating to classification and General Schedule pay  
14 rates, except as provided in subsections (a) and (b).

15 (e) STAFF OF FEDERAL AGENCIES.—Upon request  
16 of the Commission, the head of any Federal agency may  
17 detail, on a nonreimbursable basis, any of the personnel  
18 of the agency to the Commission to assist it in carrying  
19 out its duties under this Act.

20 (f) EXPERTS AND CONSULTANTS.—The Commission  
21 may procure temporary and intermittent services under  
22 section 3109(b) of title 5, United States Code, but at rates  
23 for individuals fixed by the Secretary of Commerce not  
24 to exceed the daily equivalent of the minimum annual rate  
25 of basic pay payable for GS-13 of the General Schedule.

1 (g) ADMINISTRATIVE SUPPORT SERVICES.—The Sec-  
2 retary of Commerce, acting through the National Tele-  
3 communications and Information Administration, shall  
4 provide to the Commission on a nonreimbursable basis  
5 such administrative support services as are necessary for  
6 the Commission to carry out its responsibilities under this  
7 Act.

8 **SEC. 6. POWERS.**

9 (a) HEARINGS AND SESSIONS.—The Commission  
10 may, for the purpose of carrying out this Act, hold hear-  
11 ings, sit and act at times and places, take testimony, and  
12 receive evidence as the Commission considers appropriate.  
13 The Commission may administer oaths or affirmations to  
14 witnesses appearing before it.

15 (b) PUBLIC COMMENT.—The Commission shall so-  
16 licit and consider public comments in the performance of  
17 the duties of the Commission.

18 (c) DELEGATION OF AUTHORITY.—Any member or  
19 agent of the Commission may, if authorized by the Com-  
20 mission, take any action that the Commission is author-  
21 ized to take by this section.

22 (d) INFORMATION.—

23 (1) IN GENERAL.—The Commission may secure  
24 directly from any Federal agency information nec-  
25 essary to enable it to carry out this Act. Upon re-

1       quest of the Commission, the head of the Federal  
2       agency shall furnish the information to the Commis-  
3       sion.

4           (2) EXCEPTION.—Paragraph (1) shall not  
5       apply to any information that the Commission is  
6       prohibited to secure or request by another law.

7       (e) MAILS.—The Commission may use the United  
8       States mails in the same manner and under the same con-  
9       ditions as other Federal agencies.

10       (f) CONTRACT AUTHORITY.—The Commission may  
11       contract with and compensate government and private  
12       agencies or persons for supplies or services without regard  
13       to section 3709 of the Revised Statutes (41 U.S.C. 5).

14       **SEC. 7. REPORT.**

15       (a) SUBMISSION.—Not later than the expiration of  
16       the 1-year period beginning on the date of the appoint-  
17       ment of the last member of the Commission to be ap-  
18       pointed under section 4, the Commission shall submit to  
19       the President and the Congress a report containing the  
20       findings, conclusions, and recommendations of the Com-  
21       mission.

22       (b) PUBLIC DISSEMINATION.—Not later than the ex-  
23       piration of the 30-day period beginning on the date of the  
24       submission of the report under subsection (a), the Sec-  
25       retary of Commerce, acting through the National Tele-

1 communications and Information Administration, shall  
2 make copies of the report available to the public.

3 (c) **PRESIDENTIAL RESPONSE.**—Not later than the  
4 expiration of the 120-day period beginning on the date of  
5 the submission of the report under subsection (a), the  
6 President shall submit to the Congress a response to the  
7 recommendations of the Commission, including, if the  
8 President determines it to be appropriate, a plan for im-  
9 plementing 1 or more of such recommendations.

10 **SEC. 8. TERMINATION.**

11 The Commission shall terminate not later than the  
12 expiration of the 60-day period beginning on the date on  
13 which the Commission submits its report under section 7.

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated, from  
16 amounts otherwise appropriated for the National Tele-  
17 communications and Information Administration of the  
18 Department of Commerce, such sums as may be necessary  
19 to carry out this Act.

20 **SEC. 10. BUDGET COMPLIANCE.**

21 Any spending authority (as defined in subparagraphs  
22 (A) and (C) of section 401(c)(2) of the Congressional  
23 Budget Act of 1974 (2 U.S.C. 651(c)(2)(A))) authorized

- 1 by this title shall be effective only to such extent or in
- 2 such amounts as are provided in appropriation Acts.

