

114TH CONGRESS
2D SESSION

H. R. 4442

To amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2016

Mrs. BLACK (for herself, Mr. WELCH, Mr. HARPER, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

A BILL

To amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Creating Opportunities Now for Necessary and Effective

1 Care Technologies (CONNECT) for Health Act” or the
2 “CONNECT for Health Act”.

3 (b) TABLE OF CONTENTS.—The table of contents of
4 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TELEHEALTH AND REMOTE PATIENT MONITORING
SERVICES “BRIDGE” DEMONSTRATION WAIVERS

Sec. 101. Telehealth and remote patient monitoring services “bridge” demonstration waivers.

TITLE II—TELEHEALTH AND REMOTE PATIENT MONITORING
SERVICES FURNISHED BY QUALIFYING APM PARTICIPANTS

Sec. 201. Telehealth and remote patient monitoring services furnished by qualifying APM participants.

TITLE III—MEDICARE COVERAGE OF TELEHEALTH AND REMOTE
PATIENT MONITORING SERVICES

Sec. 301. Remote patient monitoring services for individuals with certain chronic health conditions.

Sec. 302. Allowing telehealth to meet monthly clinician in-person visit requirement for certain home dialysis.

Sec. 303. Allowing stroke evaluation sites and Native American health service facilities as sites eligible for telehealth payment.

Sec. 304. Rural health clinics and Federally qualified health centers authorized to be distant sites.

Sec. 305. Addressing gaps in quality measures for telehealth and remote patient monitoring services.

TITLE IV—USE OF TELEHEALTH AND REMOTE PATIENT MONITORING SERVICES TO PROVIDE BASIC BENEFITS UNDER MEDICARE PART C

Sec. 401. Use of telehealth and remote patient monitoring services to provide basic benefits under Medicare part C.

TITLE V—CLARIFICATION REGARDING TELEHEALTH AND REMOTE PATIENT MONITORING TECHNOLOGIES PROVIDED TO BENEFICIARIES

Sec. 501. Clarification regarding telehealth and remote patient monitoring technologies provided to beneficiaries.

1 **TITLE I—TELEHEALTH AND RE-**
2 **MOTE PATIENT MONITORING**
3 **SERVICES “BRIDGE” DEM-**
4 **ONSTRATION WAIVERS**

5 **SEC. 101. TELEHEALTH AND REMOTE PATIENT MONI-**
6 **TORING SERVICES “BRIDGE” DEMONSTRA-**
7 **TION WAIVERS.**

8 Title XVIII of the Social Security Act (42 U.S.C.
9 1395 et seq.) is amended by adding at the end the fol-
10 lowing new section:

11 **“SEC. 1899C. TELEHEALTH AND REMOTE PATIENT MONI-**
12 **TORING SERVICES ‘BRIDGE’ DEMONSTRA-**
13 **TION WAIVERS.**

14 “(a) IMPLEMENTATION.—

15 “(1) IN GENERAL.—Subject to the succeeding
16 provisions of this subsection, the Secretary shall so-
17 licit proposals from, and issue telehealth or remote
18 patient monitoring services ‘bridge’ demonstration
19 waivers under this title to, eligible applicants who,
20 for the duration of time for which the demonstration
21 waiver would apply, are furnishing telehealth or re-
22 mote patient monitoring services (as defined in sec-
23 tion 1861(iii)) to individuals under this title in a
24 manner that is consistent with the goals of the
25 Merit-based Incentive Payment System under sec-

1 tion 1848(q), including the goals of quality, resource
2 utilization, and clinical practice improvement (in-
3 cluding care coordination and patient engagement),
4 or the incentive payments for participation in eligible
5 alternative payment models under section 1833(z).

6 “(2) ELIGIBLE APPLICANT DEFINED.—In this
7 section, the term ‘eligible applicant’ means the fol-
8 lowing:

9 “(A) A professional described in section
10 1848(q)(1)(C)(i)(I).

11 “(B) A qualifying APM participant (as de-
12 fined in section 1833(z)(2)).

13 “(C) Any other provider, including a pro-
14 fessional described in section
15 1848(q)(1)(C)(i)(II), determined appropriate by
16 the Secretary, and a group that includes such
17 providers.

18 “(b) DEMONSTRATION WAIVER APPLICATION RE-
19 QUIREMENTS.—An eligible applicant seeking a demonstra-
20 tion waiver under this section shall submit an application
21 to the Secretary on an annual basis that includes the fol-
22 lowing:

23 “(1) An attestation of the intent of the appli-
24 cant to use telehealth or remote patient monitoring
25 services to meet the goals described in subsection

1 (a)(1), and details (as specified by the Secretary) on
2 how the eligible applicant will use those services to
3 meet such goals.

4 “(2) An agreement by the applicant to—

5 “(A) submit the information described in
6 subsection (d) in accordance with such sub-
7 section; and

8 “(B) cooperate in any audit conducted
9 under subsection (e) with respect to claims for
10 telehealth or remote patient monitoring services
11 furnished by the applicant under the waiver.

12 “(c) WAIVER OF LIMITATIONS FOR TELEHEALTH OR
13 REMOTE PATIENT MONITORING SERVICES.—

14 “(1) IN GENERAL.—The Secretary shall waive
15 certain applicable provisions of sections 1834(m)
16 and 1861(iii) as a condition of payment for tele-
17 health or remote patient monitoring services for eli-
18 gible applicants whose application for a demonstra-
19 tion waiver was approved under this section. The
20 provisions to be waived under the preceding sentence
21 include any limitation on what qualifies as an origi-
22 nating site, any geographic limitation (subject to
23 State licensing requirements), any limitation on the
24 use of store-and-forward technologies, or any limita-
25 tion on the type of health care provider who may

1 furnish such services (provided the provider is a
2 Medicare enrolled provider).

3 “(2) GENERAL SUPERVISION.—The Secretary
4 shall permit an eligible applicant whose application
5 for a demonstration waiver was approved under this
6 section to furnish telehealth or remote patient moni-
7 toring services under the general supervision of the
8 applicant.

9 “(d) ANNUAL SUBMISSION OF DATA.—An eligible ap-
10 plicant whose application for a demonstration waiver
11 under this section was approved shall, on an annual basis,
12 submit to the Secretary—

13 “(1) information requested by the Secretary for
14 evaluation of the demonstration, including informa-
15 tion on utilization and expenditures for telehealth or
16 remote patient monitoring services under the dem-
17 onstration waiver during the preceding year;

18 “(2) data on applicable quality measures during
19 the preceding year, consistent with sections 1848
20 and 1833(z); and

21 “(3) such other information as the Secretary
22 determines is necessary to complete the report under
23 subsection (g).

24 “(e) RANDOM AUDITS.—The Secretary shall conduct
25 audits of randomly selected claims under the demonstra-

1 tion waiver program under this section to ensure that
2 waivers under the program are being used as intended to
3 furnish telehealth or remote patient monitoring services.

4 “(f) IMPLEMENTATION.—

5 “(1) SUNSET.—Except as provided in para-
6 graph (2), the authority to carry out the demonstra-
7 tion waiver program under this section shall expire
8 on December 31, 2019.

9 “(2) EXPANSION.—Taking into account the re-
10 port under subsection (g), the Secretary may,
11 through rulemaking, expand (including implementa-
12 tion on a nationwide basis) the duration and the
13 scope of the demonstration waiver program under
14 this section, to the extent determined appropriate by
15 the Secretary, if—

16 “(A) the Secretary determines that such
17 expansion is expected to—

18 “(i) reduce spending under this title
19 without reducing the quality of care; or

20 “(ii) improve the quality of patient
21 care without increasing spending;

22 “(B) the Chief Actuary of the Centers for
23 Medicare & Medicaid Services certifies that
24 such expansion would reduce (or would not re-

1 sult in any increase in) net program spending
2 under this title; and

3 “(C) the Secretary determines that such
4 expansion would not deny or limit the coverage
5 or provision of benefits under this title for indi-
6 viduals.

7 “(g) REPORT TO CONGRESS.—Not later than Decem-
8 ber 31, 2020, the Chief Actuary of the Centers for Medi-
9 care & Medicaid Services shall submit to Congress a report
10 containing an evaluation of the impact of telehealth and
11 remote patient monitoring services under the demonstra-
12 tion waiver program on—

13 “(1) spending under this title; and

14 “(2) achieving the additional MIPS adjustment
15 factors for exceptional performance described in sec-
16 tion 1848(q)(6)(C) and incentive payments for par-
17 ticipation in eligible alternative payment models de-
18 scribed in section 1833(z)(1).”.

1 **TITLE II—TELEHEALTH AND RE-**
2 **MOTE PATIENT MONITORING**
3 **SERVICES FURNISHED BY**
4 **QUALIFYING APM PARTICI-**
5 **PANTS**

6 **SEC. 201. TELEHEALTH AND REMOTE PATIENT MONI-**
7 **TORING SERVICES FURNISHED BY QUALI-**
8 **FYING APM PARTICIPANTS.**

9 (a) IN GENERAL.—Title XVIII of the Social Security
10 Act (42 U.S.C. 1395 et seq.), as amended by section 101,
11 is amended by adding at the end the following new section:

12 **“SEC. 1899D. TELEHEALTH AND REMOTE PATIENT MONI-**
13 **TORING SERVICES FURNISHED BY QUALI-**
14 **FYING APM PARTICIPANTS.**

15 “(a) IN GENERAL.—The Secretary shall waive cer-
16 tain applicable provisions of section 1834(m) and section
17 1861(iii) as a condition of payment for telehealth or re-
18 mote patient monitoring services for a qualifying APM
19 participant (as defined in section 1833(z)(2)). The provi-
20 sions to be waived under the preceding sentence include
21 any limitation on what qualifies as an originating site, any
22 geographic limitation (subject to State licensing require-
23 ments), any limitation on the use of store-and-forward
24 technologies, or any limitation on the type of health care

1 provider who may furnish such services (provided the pro-
2 vider is a Medicare enrolled provider).

3 “(b) ANNUAL SUBMISSION OF DATA.—A qualifying
4 APM participant (as so defined) who furnishes telehealth
5 or remote patient monitoring services under this section
6 shall, on an annual basis, submit to the Secretary informa-
7 tion requested by the Secretary for evaluation of the im-
8 plementation of this section, including information on uti-
9 lization and expenditures for telehealth or remote patient
10 monitoring services under this section during the pre-
11 ceding year and data on any applicable quality measures,
12 consistent with sections 1848 and 1833(z).

13 “(c) NO INCREASE IN EXPENDITURES.—If the Sec-
14 retary determines payments for telehealth or remote pa-
15 tient monitoring services under this section will increase
16 expenditures under this title, the Secretary shall make ad-
17 justments to such payments to eliminate such increased
18 expenditures.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply with respect to services furnished
21 on or after January 1, 2017.

1 **TITLE III—MEDICARE COV-**
2 **ERAGE OF TELEHEALTH AND**
3 **REMOTE PATIENT MONI-**
4 **TORING SERVICES**

5 **SEC. 301. REMOTE PATIENT MONITORING SERVICES FOR**
6 **INDIVIDUALS WITH CERTAIN CHRONIC**
7 **HEALTH CONDITIONS.**

8 (a) COVERAGE.—

9 (1) IN GENERAL.—Section 1861(s)(2) of the
10 Social Security Act (42 U.S.C. 1395x(s)(2)) is
11 amended—

12 (A) in subparagraph (EE), by striking
13 “and” at the end;

14 (B) in subparagraph (FF), by inserting
15 “and” at the end; and

16 (C) by inserting after subparagraph (FF)
17 the following new subparagraph:

18 “(GG) applicable remote patient monitoring
19 services for individuals with certain chronic health
20 conditions (as defined in subsection (iii));”.

21 (2) COVERAGE AS RURAL HEALTH CLINIC SERV-
22 ICES AND FEDERALLY QUALIFIED HEALTH CENTER
23 SERVICES.—Section 1861(aa) of the Social Security
24 Act (42 U.S.C. 1395x(aa)) is amended—

25 (A) in paragraph (1)—

1 (i) in subparagraph (B), by striking “,
2 and” and inserting a comma;

3 (ii) in subparagraph (C), by inserting
4 “and” after the comma at the end; and

5 (iii) by inserting after subparagraph
6 (C) the following new subparagraph:

7 “(D) applicable remote patient monitoring serv-
8 ices for individuals with certain chronic health condi-
9 tions (as defined in subsection (iii)),”; and

10 (B) in paragraph (3)—

11 (i) in subparagraph (A), by striking “;
12 and” and inserting a semicolon;

13 (ii) in subparagraph (B), by striking
14 the comma and inserting “; and”; and

15 (iii) by inserting after subparagraph
16 (B) the following new subparagraph:

17 “(C) applicable remote patient monitoring
18 services for individuals with certain chronic
19 health conditions (as defined in subsection
20 (iii)),”.

21 (b) SERVICES DESCRIBED.—Section 1861 of the So-
22 cial Security Act (42 U.S.C. 1395x) is amended by adding
23 at the end the following new subsection:

24 “(iii) REMOTE PATIENT MONITORING SERVICES FOR
25 INDIVIDUALS WITH CERTAIN CHRONIC HEALTH CONDI-

1 TIONS.—(1)(A) The term ‘applicable remote patient moni-
2 toring services for individuals with certain chronic health
3 conditions’ means remote patient monitoring services (as
4 defined in subparagraph (B)) furnished to an applicable
5 individual (as defined in subparagraph (C)) under general
6 supervision of the provider, with the exception of those
7 services covered under subsection (s)(1).

8 “(B) The term ‘remote patient monitoring services’
9 means personal medical data transmitted from an applica-
10 ble individual in one location via electronic communica-
11 tions technologies to an eligible provider (as defined in
12 subparagraph (D)) in a different location and used by the
13 eligible provider in furnishing remote patient monitoring
14 services to such individual that complies with the Federal
15 regulations (concerning the privacy and security of indi-
16 vidually identifiable health information) promulgated
17 under section 264(e) of the Health Insurance Portability
18 and Accountability Act of 1996, as part of an established
19 plan of care for that individual that includes the review
20 and interpretation of that data by an eligible provider.
21 Such term includes those services furnished in a Federally
22 qualified health center or a rural health clinic.

23 “(C) The term ‘applicable individual’ means an indi-
24 vidual—

1 “(i) with 2 or more covered chronic conditions
2 (as defined in paragraph (2)); and

3 “(ii) who has a history of 2 or more hospitaliza-
4 tions or emergency room visits related to such cov-
5 ered chronic conditions of the individual in the pre-
6 ceding 12 months.

7 “(D) The term ‘eligible provider’ means a physician
8 (as defined in section 1861(r)) or a practitioner described
9 in section 1842(b)(18)(C).

10 “(E) The Secretary shall establish procedures under
11 which eligible providers who furnish remote patient moni-
12 toring services are required to annually submit data on
13 applicable quality measures under sections 1848 and
14 1833(z).

15 “(2)(A) For purposes of paragraph (1)(C), subject to
16 subparagraph (B), the term ‘covered chronic condition’
17 means—

18 “(i) a condition that qualifies an individual for
19 chronic care management services under section
20 1848(b)(8); and

21 “(ii) any other condition the Secretary may
22 specify.

23 “(B) If the Chief Actuary of the Centers for Medicare
24 & Medicaid Services determines that the inclusion of a
25 condition described in subparagraph (A) in the definition

1 of the term ‘covered chronic condition’ under such sub-
2 paragraph will result in increased expenditures under this
3 title, the Secretary shall make adjustments to such defini-
4 tion to eliminate such increased expenditures.

5 “(3)(A) Payment may be made under this part for
6 applicable remote patient monitoring services for individ-
7 uals with certain chronic health conditions furnished to
8 an applicable individual during a period of up to 90 days
9 (beginning with the commencement of such services) and
10 such additional period as provided for under subparagraph
11 (B).

12 “(B) The 90-day period described in subparagraph
13 (A), with respect to an applicable individual, may be re-
14 newed by the eligible provider who provides chronic care
15 management services to such individual if the individual
16 has had one or more hospitalizations, not including emer-
17 gency room visits, related to the covered chronic conditions
18 of the individual described in paragraph (1)(C) since the
19 beginning of such period.”.

20 (c) PAYMENT.—

21 (1) IN GENERAL.—Section 1848(j)(3) of the
22 Social Security Act (42 U.S.C. 1395w-4(j)(3)) is
23 amended by inserting “(2)(GG),” after “health risk
24 assessment),”.

1 (2) RURAL HEALTH CLINIC SERVICES AND FED-
2 ERALLY QUALIFIED HEALTH CENTER SERVICES.—
3 Section 1833 of the Social Security Act (42 U.S.C.
4 13951) is amended by adding at the end the fol-
5 lowing new subsection:

6 “(aa) PAYMENT FOR APPLICABLE REMOTE PATIENT
7 MONITORING SERVICES FOR INDIVIDUALS WITH CERTAIN
8 CHRONIC HEALTH CONDITIONS FURNISHED BY A RURAL
9 HEALTH CLINIC OR A FEDERALLY QUALIFIED HEALTH
10 CENTER.—Notwithstanding any other provision of law, in
11 the case of applicable remote patient monitoring services
12 for individuals with certain chronic health conditions (as
13 defined in section 1861(iii)) furnished by a rural health
14 clinic or a Federally qualified health center under para-
15 graphs (1) and (3), respectively, of section 1861(aa), pay-
16 ment shall be made in an amount equal to the national
17 average payment amount for such service, as determined
18 by the Secretary, in accordance with section 1848 (without
19 regard to any adjustment under subsections (a)(5), (a)(7),
20 (a)(8), (p), or (q) of such section).”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to services furnished on or after
23 January 1, 2017.

1 **SEC. 302. ALLOWING TELEHEALTH TO MEET MONTHLY CLINICIAN IN-PERSON VISIT REQUIREMENT FOR CERTAIN HOME DIALYSIS.**

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3
4 (a) IN GENERAL.—Section 1881(b)(3) of the Social Security Act (42 U.S.C. 1395rr(b)(3)) is amended—

5
6 (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

7
8 (2) in clause (ii), as redesignated by subparagraph (A), strike “on a comprehensive” and insert “subject to subparagraph (B), on a comprehensive”;

9
10 (3) by striking “With respect to” and inserting “(A) With respect to”; and

11
12 (4) by adding at the end the following new subparagraph:

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14
15 “(B) For purposes of subparagraph (A)(ii), an individual determined to have end stage renal disease receiving home dialysis may elect to receive the monthly end stage renal disease-related visits via telehealth if the individual receives an in-person examination at least once every three consecutive months. For purposes of the preceding sentence, a dialysis facility shall be the originating site at which the individual is located at the time the service is furnished via telehealth.”.

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25 (b) CONFORMING AMENDMENT.—Section 1881(b)(1) of such Act (42 U.S.C. 1395rr(b)(1)) is amended by strik-

1 ing “paragraph (3)(A)” and inserting “paragraph
2 (3)(A)(i)”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this subsection shall apply with respect to the monthly fee
5 or other basis of payment for home dialysis services fur-
6 nished on or after January 1, 2017.

7 **SEC. 303. ALLOWING STROKE EVALUATION SITES AND NA-**
8 **TIVE AMERICAN HEALTH SERVICE FACILI-**
9 **TIES AS SITES ELIGIBLE FOR TELEHEALTH**
10 **PAYMENT.**

11 (a) STROKE EVALUATION SITES.—Section
12 1834(m)(4)(C) of the Social Security Act (42 U.S.C.
13 1395m(m)(4)(C)) is amended—

14 (1) in clause (i), by striking “The term” and
15 inserting “Subject to clause (iii), the term”; and

16 (2) by adding at the end the following new
17 clause:

18 “(iii) STROKE TELEHEALTH SERV-
19 ICES.—The originating site requirements
20 described in clauses (i) and (ii) shall not
21 apply with respect to services related to the
22 evaluation or management of an acute
23 stroke for the purpose of determining opti-
24 mal acute stroke therapy.”.

1 (b) NATIVE AMERICAN HEALTH SERVICE FACILI-
2 TIES.—Section 1834(m)(4)(C) of the Social Security Act
3 (42 U.S.C. 1395m(m)(4)(C)), as amended by subsection
4 (a), is amended—

5 (1) in clause (i), by striking “clause (iii)” and
6 inserting “clauses (iii) and (iv)”; and

7 (2) by adding at the end the following new
8 clause:

9 “(iv) NATIVE AMERICAN HEALTH
10 SERVICE FACILITIES.—The originating site
11 requirements described in clauses (i) and
12 (ii) shall not apply with respect to a facil-
13 ity of the Indian Health Service, whether
14 operated by such Service, or by an Indian
15 tribe (as that term is defined in section 4
16 of the Indian Health Care Improvement
17 Act (25 U.S.C. 1603)) or a tribal organiza-
18 tion (as that term is defined in section 4
19 of the Indian Self-Determination and Edu-
20 cation Assistance Act (25 U.S.C. 450b)),
21 or a facility of the Native Hawaiian health
22 care systems authorized under the Native
23 Hawaiian Health Care Improvement Act
24 (42 U.S.C. 11701 et seq.).”

1 (c) NO ORIGINATING SITE FACILITY FEE FOR NEW
2 SITES.—Section 1834(m)(2)(B) of the Social Security Act
3 (42 U.S.C. 1395m(m)(2)(B)) is amended, in the matter
4 preceding clause (i), by inserting “(other than an origi-
5 nating site that is only described in clause (iii) or (iv) of
6 paragraph (4)(C), and does not meet the requirement for
7 an originating site under clause (i) of such paragraph)”
8 after “the originating site”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to services furnished on or after
11 January 1, 2017.

12 **SEC. 304. RURAL HEALTH CLINICS AND FEDERALLY QUALI-**
13 **FIED HEALTH CENTERS AUTHORIZED TO BE**
14 **DISTANT SITES.**

15 (a) IN GENERAL.—Section 1834(m) of the Social Se-
16 curity Act (42 U.S.C. 1395m(m)) is amended—

17 (1) in the first sentence of paragraph (1)—

18 (A) by striking “or a practitioner (de-
19 scribed in section 1842(b)(18)(C))” and insert-
20 ing “, a practitioner (described in section
21 1842(b)(18)(C)), a Federally qualified health
22 center, or a rural health clinic”; and

23 (B) by striking “or practitioner” and in-
24 serting “, practitioner, Federally qualified
25 health center, or rural health clinic”;

1 (2) in paragraph (2)(A)—

2 (A) by inserting the following after “eligi-
3 ble telehealth individual”: “or to a Federally
4 qualified health center or rural health clinic
5 that serves as a distant site and whose clinician
6 furnishes a telehealth service to an eligible tele-
7 health individual”; and

8 (B) by striking “such physician or practi-
9 tioner” and inserting “such physician, practi-
10 tioner, Federally qualified health center, or
11 rural health clinic”; and

12 (3) in paragraph (4)(A), by inserting the fol-
13 lowing before the period at the end: “and includes
14 a Federally qualified health center or rural health
15 clinic whose clinician furnishes a telehealth service to
16 an eligible individual”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to services furnished on or after
19 January 1, 2017.

20 **SEC. 305. ADDRESSING GAPS IN QUALITY MEASURES FOR**
21 **TELEHEALTH AND REMOTE PATIENT MONI-**
22 **TORING SERVICES.**

23 Section 1848(s)(1)(C) of the Social Security Act (42
24 U.S.C. 1395w-4(s)(1)(C)) is amended—

1 (1) by redesignating clauses (i) through (iv) as
2 subclauses (I) through (IV), respectively, and in-
3 denting appropriately;

4 (2) by striking “CONSIDERATION.—In devel-
5 oping” and inserting “CONSIDERATION.—

6 “(i) IN GENERAL.—Subject to clause
7 (ii), in developing”; and

8 (3) by adding at the end the following new
9 clause:

10 “(ii) ADDRESSING GAPS IN MEASURES
11 FOR TELEHEALTH AND REMOTE PATIENT
12 MONITORING SERVICES.—Consistent with
13 this subsection, the Secretary shall ensure
14 that the plan identifying measure develop-
15 ment priorities and timelines developed
16 under this subsection addresses relevant
17 gaps in measures with respect to telehealth
18 services, remote patient monitoring serv-
19 ices, and the use of such services to ad-
20 dress health disparities (as described in
21 section 1890(b)(1)(B)(ii)) that are not oth-
22 erwise addressed through existing quality
23 measures.”.

1 **TITLE IV—USE OF TELEHEALTH**
2 **AND REMOTE PATIENT MONI-**
3 **TORING SERVICES TO PRO-**
4 **VIDE BASIC BENEFITS UNDER**
5 **MEDICARE PART C**

6 **SEC. 401. USE OF TELEHEALTH AND REMOTE PATIENT**
7 **MONITORING SERVICES TO PROVIDE BASIC**
8 **BENEFITS UNDER MEDICARE PART C.**

9 (a) IN GENERAL.—Section 1852 of the Social Secu-
10 rity Act (42 U.S.C. 1395w–22) is amended—

11 (1) in subsection (a)(1)(B)(i), by striking “part,
12 the term” and inserting “part, subject to subsection
13 (m), the term”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(m) USE OF TELEHEALTH AND REMOTE PATIENT
17 MONITORING SERVICES TO PROVIDE BASIC BENEFITS.—
18 For plan year 2017 and subsequent plan years, the fol-
19 lowing shall apply:

20 “(1) IN GENERAL.—An MA plan may elect to
21 use telehealth or remote patient monitoring services
22 to provide benefits under the original medicare fee-
23 for-service program option, including items or serv-
24 ices furnished to treat medical or behavioral health
25 conditions.

1 “(2) WAIVER OF LIMITATIONS.—Notwith-
2 standing any other provision of law, in the case
3 where an MA plan elects to use telehealth or remote
4 patient monitoring services to provide such benefits,
5 with respect to enrollees, such services may be fur-
6 nished without application of any provision under
7 section 1834(m) or any other provision of this Act
8 that applies a limitation on what qualifies as an
9 originating site, any geographic limitation (subject
10 to State licensing requirements), any limitation on
11 the use of store-and-forward technologies, or any
12 limitation on the type of health care provider who
13 may furnish such services (provided the provider is
14 a Medicare enrolled provider).

15 “(3) TREATMENT AS BASIC BENEFITS.—In the
16 case where an MA plan makes such election under
17 paragraph (1), the use of such telehealth or remote
18 patient monitoring services shall be considered part
19 of the provision of benefits under the original medi-
20 care fee-for-service program option for purpose of
21 this part.

22 “(4) AVAILABILITY OF BENEFITS IN PERSON.—
23 In the case where an MA plan makes such election
24 under paragraph (1), any benefits provided using

1 such telehealth services shall continue to be made
2 available in person to enrollees under the plan.

3 “(5) PROVISION OF DATA.—An MA plan that
4 makes such an election under paragraph (1) with re-
5 spect to a plan year shall provide to the Secretary
6 (at such time and in such manner as the Secretary
7 may specify) data on expenditures and utilization for
8 telehealth or remote patient monitoring services
9 under the plan for enrollees during that plan year.”.

10 (b) CLARIFICATION REGARDING INCLUSION IN BID
11 AMOUNT.—Section 1854(a)(6)(A)(ii)(I) of the Social Se-
12 curity Act (42 U.S.C. 1395w-24(a)(6)(A)(ii)(I)) is
13 amended by inserting “, including, for plan year 2017 and
14 subsequent plan years, the use of telehealth or remote pa-
15 tient monitoring services to provide such benefits as de-
16 scribed in section 1852(m)” before the semicolon at the
17 end.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed as affecting the furnishing of items
20 or services under the original Medicare fee-for-service pro-
21 gram.

1 **TITLE V—CLARIFICATION RE-**
2 **GARDING TELEHEALTH AND**
3 **REMOTE PATIENT MONI-**
4 **TORING TECHNOLOGIES PRO-**
5 **VIDED TO BENEFICIARIES**

6 **SEC. 501. CLARIFICATION REGARDING TELEHEALTH AND**
7 **REMOTE PATIENT MONITORING TECH-**
8 **NOLOGIES PROVIDED TO BENEFICIARIES.**

9 Section 1128A(i)(6) of the Social Security Act (42
10 U.S.C. 1320a–7a(i)(6)) is amended—

11 (1) in subparagraph (H), by striking “; or” and
12 inserting a semicolon;

13 (2) in subparagraph (I), by striking the period
14 at the end and inserting “; or”; and

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(J) the provision of telehealth or remote
18 patient monitoring technologies to individuals
19 under title XVIII by a health care provider for
20 the purpose of furnishing telehealth or remote
21 patient monitoring services.”.

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