

118TH CONGRESS
1ST SESSION

H. R. 635

To amend title XVIII of the Social Security Act to permanently include certain HCPCS codes as telehealth services under such title, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2023

Mr. ROSENDALE 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 title XVIII of the Social Security Act to permanently include certain HCPCS codes as telehealth services under such title, 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.**

4 This Act may be cited as the “Expanding Access to
5 Mental Health Services Act”.

1 **SEC. 2. PERMANENT INCLUSION OF CERTAIN HCPCS**
2 **CODES AS TELEHEALTH SERVICES UNDER**
3 **MEDICARE.**

4 Section 1834(m)(4)(F) of the Social Security Act (42
5 U.S.C. 1395m(m)(4)(F)) is amended—

6 (1) in clause (i), by inserting “the HCPCS
7 codes specified in clause (iii),” before “, and”; and

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

10 “(iii) SPECIFIED HCPCS CODE.—For
11 purposes of clause (i), beginning April 1,
12 2023, an HCPCS code specified in this
13 clause is—

14 “(I) 90875, 96125, 96170,
15 96171, 97151, 97152, 97153, 97154,
16 97155, 97156, 97157, and 97158;
17 and

18 “(II) 96127, 96130, 96131,
19 96132, 96133, 96136, 96137, 96138,
20 96139, and 96158.

21 With respect to telehealth services identi-
22 fied by HCPCS codes in subclause (II), the
23 Secretary shall waive the requirements of
24 paragraph (1) and section 410.78(a)(3) of
25 title 42, Code of Federal Regulations (or
26 any successor regulation), relating to the

1 use of interactive telecommunications sys-
2 tems to furnish telehealth services, to the
3 extent such provisions require the use of
4 video technology, to allow for the fur-
5 nishing of evaluation and management
6 services, behavioral health counseling and
7 educational services, and other services de-
8 termined appropriate by the Secretary by a
9 qualified provider using audio-only tech-
10 nology, as determined by the Secretary
11 based on whether it is clinically appro-
12 priate to furnish such services using audio-
13 only technology and whether an in-person
14 initial visit is required prior to the fur-
15 nishing of such service using such tech-
16 nology.”.

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