

115TH CONGRESS
2D SESSION

S. 3797

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain mental health telehealth services.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2018

Ms. HARRIS 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 coverage under the Medicare program of certain mental health telehealth services.

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 “Mental Health Tele-
5 medicine Expansion Act”.

6 **SEC. 2. MEDICARE COVERAGE OF CERTAIN MENTAL**
7 **HEALTH TELEHEALTH SERVICES.**

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

1 (1) in paragraph (4)(F)(i), by inserting “serv-
2 ices identified by CPT codes 90834 and 90837 (and
3 as subsequently modified by the Secretary),” before
4 “and any additional service”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(8) TREATMENT OF MENTAL HEALTH TELE-
8 HEALTH SERVICES.—

9 “(A) NON-APPLICATION OF ORIGINATING
10 SITE REQUIREMENTS.—The requirements de-
11 scribed in paragraph (4)(C) shall not apply with
12 respect to telehealth services furnished on or
13 after January 1, 2020, that are mental health
14 telehealth services. Nothing in the previous sen-
15 tence shall waive any applicable State law re-
16 quirements.

17 “(B) INCLUSION OF CERTAIN SITES.—
18 With respect to telehealth services described in
19 subparagraph (A), the term ‘originating site’
20 shall include the home of the eligible telehealth
21 individual at which the individual is located at
22 the time the service is furnished via a tele-
23 communications system.

24 “(C) NO ORIGINATING SITE FACILITY
25 FEE.—No facility fee shall be paid under para-

1 graph (2)(B) to an originating site with respect
2 to a telehealth service described in subpara-
3 graph (A) if the originating site does not other-
4 wise meet the requirements for an originating
5 site under paragraph (4)(C).

6 “(D) IN-PERSON ASSESSMENTS RE-
7 QUIRED.—Payment may not be made for men-
8 tal health telehealth services under this para-
9 graph (if such payment would not otherwise be
10 allowed under this subsection without applica-
11 tion of this paragraph) furnished to an eligible
12 telehealth individual unless—

13 “(i) prior to the provision of such
14 mental health telehealth services, a physi-
15 cian or practitioner furnished an in-person
16 assessment of the needs of such individual
17 for such services; and

18 “(ii) a physician or practitioner fur-
19 nishes a reassessment of the needs of such
20 individual for such services at a frequency
21 specified by the Secretary.

22 “(E) MENTAL HEALTH TELEHEALTH
23 SERVICES DEFINED.—For purposes of this
24 paragraph, the term ‘mental health telehealth
25 service’ means services identified by CPT codes

1 90834 and 90837 (and as subsequently modi-
2 fied by the Secretary).”.

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