

118TH CONGRESS
1ST SESSION

S. 729

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

MARCH 9, 2023

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

8 (1) by striking “The Secretary” and inserting
9 “(A) DURING COVID–19 PHE.—The Secretary”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(B) ONGOING AUTHORITY.—

13 “(i) IN GENERAL.—With respect to
14 telehealth services furnished on or after
15 January 1, 2025, the Secretary shall waive
16 the requirements of paragraph (1) and sec-
17 tion 410.78(a)(3) of title 42, Code of Fed-
18 eral Regulations (or any successor regula-
19 tion), relating to the use of interactive tele-
20 communications systems to furnish tele-
21 health services, to the extent such provi-
22 sions require the use of video technology,
23 to allow for the furnishing of telehealth
24 services using audio-only technology, as de-
25 termined appropriate by the Secretary,
26 with respect to such services furnished in

1 any geographical area in which, and any
2 period during which, there exists—

3 “(I) an emergency or disaster de-
4 clared by the President pursuant to
5 the National Emergencies Act or the
6 Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act; or

8 “(II) a public health emergency
9 declared by the Secretary pursuant to
10 section 319 of the Public Health Serv-
11 ice Act.

12 “(ii) PAYMENT PARITY.—The Sec-
13 retary shall provide that any telehealth
14 service furnished using audio-only tech-
15 nology pursuant to a waiver under this
16 subparagraph is reimbursed at the same
17 rate at which the service would be reim-
18 bursed if furnished in person.”.

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