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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend title XVIII of the Social Security Act to expand the coverage of telehealth services under the Medicare program, to provide coverage for home-based monitoring for congestive heart failure and chronic obstructive pulmonary disease under such program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DUFFY introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title XVIII of the Social Security Act to expand the coverage of telehealth services under the Medicare program, to provide coverage for home-based monitoring for congestive heart failure and chronic obstructive pulmonary disease under such program, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Helping Expand Ac-
3 cess to Rural Telemedicine Act of 2017” or as the
4 “HEART Act of 2017”.

5 **SEC. 2. EXPANSIONS OF COVERAGE OF TELEHEALTH SERV-**
6 **ICES.**

7 (a) **COUNTIES IN MSAS WITH POPULATIONS LESS**
8 **THAN 70,000 INDIVIDUALS.**—Section 1834(m)(4)(C) of
9 the Social Security Act (42 U.S.C. 1395m(m)(4)(C)(i)) is
10 amended in clause (i)(II) by inserting “both a county that
11 has a population of greater than 70,000 individuals, ac-
12 cording to the most recent decennial census, and a county
13 that is” before “included in a Metropolitan Statistical
14 Area”.

15 (b) **CRITICAL ACCESS AND SOLE COMMUNITY HOS-**
16 **PITALS.**—Section 1834(m)(4)(C) of the Social Security
17 Act (42 U.S.C. 1395m(m)(4)(C)), as amended by sub-
18 section (a), is further amended—

19 (1) in clause (i), by inserting “, in the case that
20 such site is not a site described in subclause (II) or
21 (IX) of such clause,” after “via a telecommuni-
22 cations system and”; and

23 (2) in clause (ii), by adding at the end the fol-
24 lowing new subclause:

1 “(IX) A sole community hospital
2 (as defined in section
3 1886(d)(5)(D)(iii)).”.

4 (c) STORE-AND-FORWARD TECHNOLOGIES.—Section
5 1834(m)(1) of the Social Security Act (42 U.S.C.
6 1395m(m)(1)) is amended by inserting “any telehealth
7 services that are furnished from a distant site, or to an
8 originating site, that is a critical access hospital (as de-
9 scribed in paragraph subclause (II) of paragraph
10 (4)(C)(ii)), a rural health clinic (as described in subclause
11 (III) of such paragraph), or a sole community hospital (as
12 described in subclause (IX) of such paragraph), or of”
13 after “in the case of”.

14 (d) RURAL HEALTH CLINICS AS DISTANT SITES.—
15 Section 1834(m)(4)(A) of the Social Security Act (42
16 U.S.C. 1395m(m)(4)(A)) is amended—

17 (1) by striking “SITE.—The term” and insert-
18 ing:

19 “SITE.—

20 “(i) IN GENERAL.—The term”; and

21 (2) by adding at the end the following new
22 clause:

23 “(ii) TREATMENT OF RURAL HEALTH
24 CLINICS.—A site described in clause (i) in-
25 cludes a rural health clinic (as defined in

1 section 1861(aa)(2)). In any case in which
2 such a clinic is treated as a distant site
3 with respect to the provision of a telehealth
4 service to an eligible telehealth individual
5 for which payment is made under this sub-
6 section, such service shall not be treated as
7 a rural health clinic service, and payment
8 may not otherwise be made under this title
9 with respect to such service provided to
10 such individual.”.

11 (e) COVERED SERVICES.—Section 1834(m)(4)(F)(i)
12 of the Social Security Act (42 U.S.C. 1395m(m)(4)(F)(i))
13 is amended—

14 (1) by striking “and office” and inserting “of-
15 fice”; and

16 (2) by inserting by adding at the end the fol-
17 lowing new sentence: “respiratory services, audiology
18 services (as defined in section 1861(ll)), outpatient
19 therapy services (including physical therapy, occupa-
20 tional therapy, and speech-language pathology serv-
21 ices)” after “the Secretary)),”.

22 (f) PROVIDERS.—Subsection (m) of section 1834 of
23 such Act (42 U.S.C. 1395m) is amended—

24 (1) in paragraph (1), by striking “or a practi-
25 tioner (described in section 1842(b)(18)(C))” and

1 inserting “, a practitioner (described in section
2 1842(b)(18)(C)), or an applicable professional (as
3 defined in paragraph (4)(G))”;

4 (2) by striking “physician or practitioner” each
5 time it appears in such subsection and inserting
6 “physician, practitioner, or applicable professional”;

7 (3) in paragraph (3)(A)—

8 (A) in the heading, by striking “PHYSI-
9 CIAN AND PRACTITIONER” and inserting “PHY-
10 SICIAN, PRACTITIONER, AND APPLICABLE PRO-
11 FESSIONAL”; and

12 (B) by striking “physicians or practi-
13 tioners” and inserting “physicians, suppliers, or
14 practitioners”; and

15 (4) in paragraph (4), by adding at the end the
16 following new subparagraph:

17 “(G) APPLICABLE PROFESSIONAL.—The
18 term ‘applicable professional’ means, with re-
19 spect to services furnished on or after the date
20 that is 6 months after the date of the enact-
21 ment of this subparagraph, a certified diabetes
22 educator or licensed—

23 “(i) respiratory therapist;

24 “(ii) audiologist;

25 “(iii) occupational therapist;

1 “(iv) physical therapist; or

2 “(v) speech language pathologist.”.

3 **SEC. 3. HOME-BASED MONITORING SERVICES FOR CONGES-**
4 **TIVE HEART FAILURE AND CHRONIC OB-**
5 **STRUCTIVE PULMONARY DISEASE.**

6 (a) COVERAGE OF REMOTE PATIENT MONITORING
7 SERVICES FOR CERTAIN CHRONIC HEALTH CONDI-
8 TIONS.—

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 moni-
19 toring services (as defined in paragraph (1)(A)
20 of subsection (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 CHRONIC HEALTH CONDITIONS.—(1)(A) The term ‘appli-

1 cable remote patient monitoring services’ means remote
2 patient monitoring services (as defined in subparagraph
3 (B)) furnished to provide for the monitoring, evaluation,
4 and management of an individual with a covered chronic
5 condition (as defined in paragraph (2)), insofar as such
6 services are for the management of such chronic condition.

7 “(B) The term ‘remote patient monitoring services’
8 means services furnished through remote patient moni-
9 toring technology (as defined in subparagraph (C)).

10 “(C) The term ‘remote patient monitoring tech-
11 nology’ means a coordinated system that uses one or more
12 home-based or mobile monitoring devices that automati-
13 cally transmit vital sign data or information on activities
14 of daily living and may include responses to assessment
15 questions collected on the devices wirelessly or through a
16 telecommunications connection to a server that complies
17 with the Federal regulations (concerning the privacy of in-
18 dividually identifiable health information) promulgated
19 under section 264(c) of the Health Insurance Portability
20 and Accountability Act of 1996, as part of an established
21 plan of care for that patient that includes the review and
22 interpretation of that data by a health care professional.

23 “(2) For purposes of paragraph (1), the term ‘cov-
24 ered chronic health condition’ means applicable conditions
25 (as defined in and applied under section 1886(q)(5)) when

1 under chronic care management (identified as of July 1,
2 2015, by HCPCS code 99490 (and as subsequently modi-
3 fied by the Secretary)).

4 “(3)(A) Payment may be made under this part for
5 applicable remote patient monitoring services provided to
6 an individual during a period of up to 90 days and such
7 additional period as provided for under subparagraph (B).

8 “(B) The 90-day period described in subparagraph
9 (A), with respect to an individual, may be renewed by the
10 physician who provides chronic care management to such
11 individual if the individual continues to qualify for such
12 management.”.

13 (c) PAYMENT UNDER THE PHYSICIAN FEE SCHED-
14 ULE.—Section 1848 of the Social Security Act (42 U.S.C.
15 1395w-4) is amended—

16 (1) in subsection (c)—

17 (A) in paragraph (2)(B)—

18 (i) in clause (ii)(II), by striking “and
19 (v)” and inserting “(v), and (vii)”; and

20 (ii) by adding at the end the following
21 new clause:

22 “(vii) BUDGETARY TREATMENT OF
23 CERTAIN SERVICES.—The additional ex-
24 penditures attributable to services de-
25 scribed in section 1861(s)(2)(GG) shall not

1 be taken into account in applying clause
2 (ii)(II).”; and

3 (B) by adding at the end the following new
4 paragraph:

5 “(7) TREATMENT OF APPLICABLE REMOTE PA-
6 TIENT MONITORING SERVICES.—

7 “(A) In determining relative value units
8 for applicable remote patient monitoring serv-
9 ices (as defined in section 1861(iii)(1)(A)), the
10 Secretary, in consultation with appropriate phy-
11 sician groups, practitioner groups, and supplier
12 groups, shall take into consideration—

13 “(i) physician or practitioner re-
14 sources, including physician or practitioner
15 time and the level of intensity of services
16 provided, based on—

17 “(I) the frequency of evaluation
18 necessary to manage the individual
19 being furnished the services;

20 “(II) the complexity of the eval-
21 uation, including the information that
22 must be obtained, reviewed, and ana-
23 lyzed; and

1 “(III) the number of possible di-
2 agnoses and the number of manage-
3 ment options that must be considered;

4 “(ii) practice expense costs associated
5 with such services, including the direct
6 costs associated with installation and infor-
7 mation transmission, costs of remote pa-
8 tient monitoring technology (including
9 equipment and software), device delivery
10 costs, and resource costs necessary for pa-
11 tient monitoring and follow-up (but not in-
12 cluding costs of any related item or non-
13 physician service otherwise reimbursed
14 under this title); and

15 “(iii) malpractice expense resources.

16 “(B) Using the relative value units deter-
17 mined in subparagraph (A), the Secretary shall
18 provide for separate payment for such services
19 and shall not adjust the relative value units as-
20 signed to other services that might otherwise
21 have been determined to include such separately
22 paid remote patient monitoring services.”; and
23 (2) in subsection (j)(3), by inserting “(2)(GG),”
24 after “health risk assessment),”.

1 **SEC. 4. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply to
3 items or services furnished on or after the date that is
4 6 months after the date of the enactment of the this Act.