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December 20, 2022

CTeL Summary of Fiscal Year 2023 Consolidated Appropriations Act

On Tuesday, December 20, Congressional leadership released legislative text of the Fiscal Year 2023 (FY23) Consolidated Appropriations Act (CAA). This legislation includes more than \$1.7 trillion in discretionary resources to fund various aspects of our federal government, including a 2-year extension of the telehealth waivers we have benefited from during the federal public health emergency.

If passed, the FY23 CAA would continue telehealth status quo through December 31, 2024. The FY23 CAA also includes a provision, Section 4151, to allow Americans with high deductible health plans coupled with health savings accounts to continue to utilize first-dollar coverage for telehealth services without first having to reach their minimum deductible.

It is important to note that without action from the Drug Enforcement Administration (DEA), the ability to prescribe controlled substances via telemedicine will expire upon the termination of the Federal Public Health Emergency. However, the DEA shared at CTeL's December Summit that the agency is close to finalizing rules on Special Telemedicine Registration, which should be released in the coming months for public comment.

The FY23 CAA will receive a vote in Congress this week and is expected to pass both chambers.

Read Bill Text Here: <https://www.appropriations.senate.gov/imo/media/doc/JRQ121922.PDF>

CTeL Summary of Telehealth Provisions Included in FY23 CAA:

Sec. 4113 Advancing Telehealth Beyond COVID-19

- (a) Removing Geographic Requirements and Expanding Originating Sites for Telehealth through December 31, 2024. This will continue to allow all Medicare patients, regardless of geographic location, to be able to utilize telehealth services. Medicare patients will also be able to continue to utilize telehealth services in the comforts of their home.
- (b) Expanding Practitioners Eligible to Furnish Telehealth Services through December 31, 2024. This provision will continue to allow physical therapists, occupational therapists, and speech language pathologists to furnish telehealth services to Medicare beneficiaries.
- (c) Extending Telehealth Services for Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) through December 31, 2024.
- (d) Delaying the In-Person Requirements Under Medicare for Mental Health Services Furnished Through Telehealth and Tele-Communications Technology through January 1, 2025. FQHC and RHCs will also be able to furnish telehealth services for mental health patients without an in-person requirement through January 1, 2023.



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- (e) Allowing for the Furnishing of Audio-Only Telehealth Services for Medicare Beneficiaries through December 31, 2024.
- (f) Allowing for the Use of Telehealth to Conduct Face-to-Face Encounters Prior to Recertification of Eligibility for Hospice Care through December 31, 2024.
- (g) Requiring the Secretary of the Department of Health and Human Services to Conduct a Study on Telehealth and Medicare Program Integrity by October 1, 2024.

Sec. 4151 Extension of Safe Harbor for Absence of Deductible for Telehealth.

- (a) Allowing Americans with High Deductible Health Plans coupled with Health Savings Accounts to utilize first dollar coverage for telehealth services without first having to reach their minimum deductible.