

NACHC Supported Telehealth Legislation Introduced during COVID:

H.R. 7187 – Helping Ensure Access to Local Telehealth (HEALTH) Act of 2020

Rep. G.T. Thompson (PA-15) and G.K. Butterfield (NC-01)

This legislation would permanently allow Federally Qualified Health Centers and Rural Health Clinics the ability to provide telehealth services in Medicare as “distant sites” and be paid equal to an otherwise in-person visit or the Medicare PPS rate. The bill also removes the geographic restrictions related to originating sites.

Specifically, the bill:

- Makes the effective date for services rendered on or after the first day of the current emergency period, not upon the date of enactment;
- Provides for FQHC PPS/RHC AIR payment for distant site telehealth services;
- Makes permanent the waivers contained in the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, relating to originating site rules (waivers which are otherwise in effect for the PHE period), for services where FQHCs/RHCs are the distant site provider; and
- Requires the Secretary to issue regulations to ensure that services are included as allowable costs within the FQHC/RHC cost-related methodologies and therefore qualify as billable “visits” under those methodologies.

H.R 6792 /S. 3998 – Improving Telehealth for Underserved Communities Act

Rep. Adrian Smith (NE-03) and Rep. Tom O’Halleran (AZ-01)/ Sen. Cindy Hyde-Smith (R-MS) and Sen. Angus King (I-ME)

This legislation would allow health centers to provide, and bill for, telehealth services in Medicare as they would an in-person visit for the duration of the emergency.

Specifically, the bill:

- Allows FQHCs to bill for telehealth services in Medicare at the Medicare PPS rate for and for RHCs to bill at the AIR rate;
- Allows for this payment for the duration of the public health emergency; and
- Raises the RHC caps to account for payment changes made during pandemic.

H.R. 7663 - Protecting Access to Post COVID-19 Telehealth Act

Reps. Mike Thompson (D-CA), David Schweikert (R-AZ), Bill Johnson (R-OH), Peter Welch (D-VT), and Doris Matsui (D-CA)

This legislation mirrors language included in the CONNECT for Health Act, including provisions to permanently allow Federally Qualified Health Centers and Rural Health Clinics the ability to provide telehealth services in Medicare as “distant sites” and be paid equal to an otherwise in-person visit or the Medicare PPS rate beginning January 1, 2021. The bill also removes the geographic restrictions related to originating sites.

Specifically, the bill:

- Allows for FQHCs/ RHCs to receive payment as a distant site at an amount equal to what the FQHC/RHC would receive had the service been furnished without the use of a telecommunications system;
- Removes the Geographic limitations for originating sites and recognizes homes as valid telehealth originating sites; and
- Effective date of these provisions is January 1, 2021.

H.R. 7760, COVID-19 Telehealth Program Extension Act

Rep. Abigail Spanberger (D-VA) and Dusty Johnson, (R-SD)

The CARES Act created the FCC COVID-19 Telehealth Program with an initial allocation of \$200 million. By July, this initial funding was exhausted, however, several applicants, including health centers, did not receive funding. This bill would provide an additional \$200 million in funds to continue the COVID-19 Telehealth Program.

NACHC Supported Telehealth Legislation Pre-COVID:

H.R. 4932/ S. 2741 - CONNECT for Health Act of 2019

Reps. Mike Thompson (D-CA), David Schweikert (R-AZ), Bill Johnson (R-OH), Peter Welch (D-VT), and Doris Matsui (D-CA)/Sens. Brian Schatz (D-HI), Roger Wicker (R-MS), Ben Cardin (D-MD), John Thune (R-SD), Mark Warner (D-VA), Cindy Hyde-Smith (R-MS)

This legislation includes provisions to permanently allow Federally Qualified Health Centers and Rural Health Clinics the ability to provide telehealth services in Medicare as “distant sites” and be paid equal to an otherwise in-person visit or the Medicare PPS rate beginning January 1, 2021. The bill also removes the geographic restrictions related to originating sites.

Specifically, the bill:

- Allows for FQHCs/ RHCs to receive payment as a distant site at an amount equal to what the FQHC/RHC would receive had the service been furnished without the use of a telecommunications system;
- Removes the geographic limitations for originating sites; and
- Effective date of these provisions is January 1, 2021