

118TH CONGRESS
1ST SESSION

S. _____

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

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on _____

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
16 waive the requirements of paragraph (1)
17 and section 410.78(a)(3) of title 42, Code
18 of Federal Regulations (or any successor
19 regulation), relating to the use of inter-
20 active telecommunications systems to fur-
21 nish telehealth services, to the extent such
22 provisions require the use of video tech-
23 nology, to allow for the furnishing of tele-
24 health services using audio-only technology,
25 as determined appropriate by the Sec-
26 retary, with respect to such services fur-

1 nished in any geographical area in which,
2 and any period during which, there ex-
3 ists—

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

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

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