

AMENDMENT TO RULES COMMITTEE PRINT 117-

59

OFFERED BY MR. MCKINLEY OF WEST VIRGINIA

Page 6, line 10, strike “\$5,159,000,000” and insert
“\$4,159,000,000”.

Add at the end the following new section:

1 **SEC. 11. TELEHEALTH FOR SUBSTANCE USE DISORDER**
2 **TREATMENT AND MENTAL HEALTH SERV-**
3 **ICES.**

4 (a) SUBSTANCE USE DISORDER SERVICES AND MEN-
5 TAL HEALTH SERVICES FURNISHED THROUGH TELE-
6 HEALTH UNDER MEDICARE.—

7 (1) IN GENERAL.—Section 1834(m)(7)(A) of
8 the Social Security Act (42 U.S.C. 1395m(m)(7)(A))
9 is amended by adding at the end the following:
10 “With respect to telehealth services described in the
11 preceding sentence that are furnished to an eligible
12 telehealth individual with a substance use disorder
13 diagnosis for purposes of treatment of such disorder
14 or co-occurring mental health disorder on or after
15 the date of the enactment of the Telehealth Re-
16 sponse for E-prescribing Addiction Therapy Services

1 Act, or, subject to subparagraph (B), that are fur-
2 nished to an eligible telehealth individual for pur-
3 poses of diagnosis, evaluation, or treatment of a
4 mental health disorder, on or after the first day
5 after the end of the emergency period described in
6 section 1135(g)(1)(B), nothing shall preclude the
7 furnishing of such services through audio or tele-
8 phone only technologies in the case where a physi-
9 cian or practitioner has already conducted an in-per-
10 son medical evaluation or a telehealth evaluation
11 that utilizes both audio and visual capabilities with
12 the eligible telehealth individual.”.

13 (2) IMPLEMENTATION.—The Secretary of
14 Health and Human Services may implement this
15 subsection by program instruction or otherwise.

16 (b) CONTROLLED SUBSTANCES DISPENSED BY
17 MEANS OF THE INTERNET.—Section 309(e)(2) of the
18 Controlled Substances Act (21 U.S.C. 829(e)(2)) is
19 amended—

20 (1) in subparagraph (A)(i)—

21 (A) by striking “at least 1 in-person med-
22 ical evaluation” and inserting the following: “at
23 least—

24 “(I) 1 in-person medical evalua-
25 tion”; and

1 (B) by adding at the end the following:

2 “(II) for purposes of prescribing
3 a controlled substance in schedule III
4 or IV, 1 telehealth evaluation; or”;
5 and

6 (2) by adding at the end the following:

7 “(D)(i) The term ‘telehealth evaluation’
8 means a medical evaluation that is conducted in
9 accordance with applicable Federal and State
10 laws by a practitioner (other than a phar-
11 macist) who is at a location remote from the
12 patient and is communicating with the patient
13 using a telecommunications system referred to
14 in section 1834(m) of the Social Security Act
15 (42 U.S.C. 1395m(m)) that includes, at a min-
16 imum, audio and video equipment permitting
17 two-way, real-time interactive communication
18 between the patient and distant site practi-
19 tioner.

20 “(ii) Nothing in clause (i) shall be con-
21 strued to imply that 1 telehealth evaluation
22 demonstrates that a prescription has been
23 issued for a legitimate medical purpose within
24 the usual course of professional practice.

1 “(iii) A practitioner who prescribes the
2 drugs or combination of drugs that are covered
3 under section 303(g)(2)(C) using the authority
4 under subparagraph (A)(i)(II) of this para-
5 graph shall adhere to nationally recognized evi-
6 dence-based guidelines for the treatment of pa-
7 tients with opioid use disorders and a diversion
8 control plan, as those terms are defined in sec-
9 tion 8.2 of title 42, Code of Federal Regula-
10 tions, as in effect on the date of enactment of
11 this subparagraph.”.

