

Committee Print

(SHOWING THE TEXT OF H.R. 7858 AS FAVORABLY FORWARDED BY THE
SUBCOMMITTEE ON HEALTH ON MAY 16, 2024)

118TH CONGRESS
2D SESSION

H. R. 7858

To amend title XVIII of the Social Security Act to establish a Medicare incident to modifier for mental health services furnished through telehealth.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2024

Mr. JAMES (for himself, Mr. SCHWEIKERT, and Mr. DAVIS of North Carolina) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to establish a Medicare incident to modifier for mental health services furnished through telehealth.

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 “Telehealth Enhance-
3 ment for Mental Health Act of 2024” or the “TELEMH
4 Act of 2024”.

5 **SEC. 2. ESTABLISHMENT OF MEDICARE INCIDENT TO**
6 **MODIFIER FOR MENTAL HEALTH SERVICES**
7 **FURNISHED THROUGH TELEHEALTH AND**
8 **OTHER TELEHEALTH SERVICES.**

9 Section 1834(m) of the Social Security Act (42
10 U.S.C. 1395m(m)) is amended by adding at the end the
11 following new paragraph:

12 “(10) REQUIRED USE OF MODIFIERS IN CER-
13 TAIN INSTANCES.—Not later than January 1, 2026,
14 the Secretary shall establish requirements to include
15 a code or modifier, as determined appropriate by the
16 Secretary, in the case of claims for telehealth serv-
17 ices under this subsection that are billed incident to
18 a physician’s or practitioner’s professional service.”.

Amend the title so as to read: “To amend title
XVIII of the Social Security Act to establish a Medicare
incident to modifier for mental health services furnished
through telehealth and other telehealth services.”.