

116TH CONGRESS
2D SESSION

S. 3988

To amend the Public Health Service Act with respect to telehealth enhancements for emergency response.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2020

Mr. CASSIDY (for himself, Ms. SMITH, Mr. JONES, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act with respect to telehealth enhancements for emergency response.

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 “Enhancing Prepared-
5 ness through Telehealth Act”.

6 **SEC. 2. TELEHEALTH ENHANCEMENTS FOR EMERGENCY**
7 **RESPONSE.**

8 Subsection (e) of section 319D of the Public Health
9 Service Act (42 U.S.C. 247d–4) is amended to read as
10 follows:

1 “(e) TELEHEALTH ENHANCEMENTS FOR EMER-
2 GENCY RESPONSE.—

3 “(1) EVALUATION.—The Secretary, in consulta-
4 tion with the Federal Communications Commission
5 and other relevant Federal agencies, shall, every 5
6 years—

7 “(A) conduct an inventory of telehealth ini-
8 tiatives in existence on the date of enactment of
9 the Enhancing Preparedness through Tele-
10 health Act, including the—

11 “(i) specific location of networks and
12 health information technology infrastruc-
13 ture that support such initiatives;

14 “(ii) medical, technological, and com-
15 munications capabilities of such initiatives;

16 “(iii) functionality of such initiatives;
17 and

18 “(iv) capacity and ability of such ini-
19 tiatives to handle increased volume during
20 the response to a public health emergency;

21 “(B) identify methods to expand and inter-
22 connect the State and regional health informa-
23 tion networks funded by the Secretary, the
24 State and regional broadband networks funded
25 by the Federal Communications Commission,

1 including such networks supported by the rural
2 health care support mechanism pilot program,
3 and other telehealth networks;

4 “(C) evaluate ways to prepare for, monitor,
5 respond rapidly to, or manage the events of, a
6 public health emergency through the enhanced
7 use of telehealth technologies, including—

8 “(i) mechanisms for payment or reim-
9 bursement for use of such technologies and
10 personnel during public health emer-
11 gencies;

12 “(ii) the use of telehealth technologies
13 and services by health care providers in re-
14 cent public health emergencies;

15 “(iii) ways in which States used tele-
16 health technologies and services in State
17 responses to public health emergencies;
18 and

19 “(iv) infrastructure and resource
20 needs to ensure providers have the nec-
21 essary tools, training, and technical assist-
22 ance to provide telehealth services;

23 “(D) identify methods for reducing legal
24 barriers that deter health care professionals
25 from providing telehealth services, such as by

1 utilizing State emergency health care profes-
2 sional credentialing verification systems, en-
3 couraging States to establish and implement
4 mechanisms to improve interstate medical licen-
5 sure cooperation, facilitating the exchange of in-
6 formation among States regarding investiga-
7 tions and adverse actions, and encouraging
8 States to waive the application of licensing re-
9 quirements during a public health emergency;

10 “(E) evaluate ways to integrate the prac-
11 tice of telehealth within the National Disaster
12 Medical System or any recent actions taken re-
13 lated to such integration;

14 “(F) promote greater coordination among
15 existing Federal interagency telehealth and
16 health information technology initiatives; and

17 “(G) make recommendations related to up-
18 dates on the use of telehealth in public health
19 emergencies in Federal and State public health
20 preparedness plans and any actions taken to
21 implement such recommendations.

22 “(2) REPORT.—

23 “(A) IN GENERAL.—

24 “(i) INITIAL REPORT.—Not later than
25 1 year after the date of enactment of the

1 Enhancing Preparedness through Tele-
2 health Act, the Secretary shall prepare and
3 submit a report to the Committee on
4 Health, Education, Labor, and Pensions of
5 the Senate and the Committee on Energy
6 and Commerce of the House of Represent-
7 atives regarding the findings and rec-
8 ommendations pursuant to paragraph (1).

9 “(ii) SUBSEQUENT REPORTS.—The
10 Secretary shall submit updated reports de-
11 scribed in clause (i) to the committees de-
12 scribed in such clause not later than Janu-
13 ary 1, 2023, and every 5 years thereafter.

14 “(B) CONSIDERATIONS.—In preparing the
15 reports under subparagraph (A), the Secretary
16 shall take into consideration potential barriers
17 to the adoption of telehealth by patients and
18 providers during a public health emergency, in-
19 cluding—

20 “(i) provider reimbursement;

21 “(ii) insurance coverage;

22 “(iii) provider licensure;

23 “(iv) accessibility of telehealth and re-
24 mote technologies; and

1 “(v) concerns around violating rel-
2 evant privacy, security, and patient safety
3 regulations.”.

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