

116TH CONGRESS
2D SESSION

S. 4103

To amend title XVIII of the Social Security Act to increase the use of telehealth for substance use disorder treatment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 2020

Mr. PORTMAN (for himself and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title XVIII of the Social Security Act to increase the use of telehealth for substance use disorder treatment, and for other purposes.

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 “Telehealth Response
5 for E-prescribing Addiction Therapy Services Act” or
6 “TREATS Act”.

1 **SEC. 2. TELEHEALTH FOR SUBSTANCE USE DISORDER**
 2 **TREATMENT.**

3 (a) SUBSTANCE USE DISORDER SERVICES FUR-
 4 NISHED THROUGH TELEHEALTH UNDER MEDICARE.—
 5 Section 1834(m)(7) of the Social Security Act (42 U.S.C.
 6 1395m(m)(7)) is amended by adding at the end the fol-
 7 lowing: “With respect to telehealth services described in
 8 the preceding sentence that are furnished on or after Jan-
 9 uary 1, 2020, nothing shall preclude the furnishing of
 10 such services through audio or telephone only technologies
 11 in the case where a physician or practitioner has already
 12 conducted an in-person medical evaluation or a telehealth
 13 evaluation that utilizes both audio and visual capabilities
 14 with the eligible telehealth individual.”.

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

19 (1) in subparagraph (A)(i)—

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

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

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

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

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

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

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

24 “(iii) A practitioner who prescribes the
25 drugs or combination of drugs that are covered

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

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