

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 4211

To amend title XVIII of the Social Security Act to expand access in frontier States to mental health services furnished through telehealth, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

Mr. SULLIVAN (for himself and Ms. ROSEN) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to expand access in frontier States to mental health services furnished through telehealth, 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 “Facilitating Reforms  
5 that Offer Necessary Telehealth In Every Rural (FRON-  
6 TIER) Community Act”.

1 **SEC. 2. EXPANDING ACCESS TO MENTAL HEALTH SERVICES**  
2 **FURNISHED IN FRONTIER STATES THROUGH**  
3 **TELEHEALTH.**

4 (a) IN GENERAL.—Section 1834(m) of the Social Se-  
5 curity Act (42 U.S.C. 1395m(m)) is amended—

6 (1) in paragraph (2)(B)(i), in the matter pre-  
7 ceding subclause (I), by striking “paragraph (6)(C)”  
8 and inserting “paragraphs (6)(C) and (9)”;

9 (2) in paragraph (4)(C)(i), by striking “and  
10 (7)” and inserting “(7), and (9)”; and

11 (3) by adding at the end the following new  
12 paragraph:

13 “(9) TREATMENT OF MENTAL HEALTH SERV-  
14 ICES FURNISHED IN FRONTIER STATES.—

15 “(A) IN GENERAL.—The originating site  
16 requirements under paragraph (4)(C) shall not  
17 apply with respect to telehealth services fur-  
18 nished on or after January 1, 2021, that are  
19 furnished in a frontier State (as defined in sec-  
20 tion 1886(d)(3)(E)(iii)(II)) and are mental  
21 health services (as determined by the Sec-  
22 retary), except that a facility fee under para-  
23 graph (2)(B)(i) may only be paid to an origi-  
24 nating site that is a site described in any of  
25 subclauses (I) through (IX) of paragraph  
26 (4)(C)(ii).

1                   “(B) DEFINITION OF ORIGINATING SITE.—

2                   With respect to telehealth services described in  
3                   subparagraph (A), the term ‘originating site’  
4                   means any fixed or mobile location at which the  
5                   individual is located at the time the service is  
6                   furnished.”.

7                   (b) GRANTS FOR THE DEPLOYMENT OF BROADBAND  
8                   STRUCTURE.—

9                   (1) IN GENERAL.—The Chairman of the Fed-  
10                  eral Communications Commission and the Adminis-  
11                  trator of the Rural Utilities Service of the United  
12                  States Department of Agriculture, in consultation  
13                  with the Administrator of the Health Resources and  
14                  Services Administration and the Director of the In-  
15                  dian Health Service, shall award grants for the de-  
16                  ployment of broadband infrastructure in frontier  
17                  States, as defined in section 1886(d)(3)(E)(iii)(II) of  
18                  the Social Security Act (42 U.S.C.  
19                  1395ww(d)(3)(E)(iii)(II)), to support the furnishing  
20                  of mental health services through telehealth pursu-  
21                  ant to section 1834(m)(9) of such Act, as added by  
22                  subsection (a).

23                  (2) AUTHORIZATION.—There are authorized to  
24                  be appropriated such sums as are necessary for pur-  
25                  poses of carrying out this subsection.

1 **SEC. 3. INDIAN HEALTH SERVICE FACILITIES.**

2 (a) IN GENERAL.—Section 1834(m)(4)(C) of the So-  
3 cial Security Act (42 U.S.C. 1395m(m)(4)(C)), as amend-  
4 ed by section 2(a), is amended—

5 (1) in clause (i), in the matter preceding sub-  
6 clause (I), by inserting “, and subject to clause (iii)”  
7 after “and (9)”; and

8 (2) by adding at the end the following new  
9 clause:

10 “(iii) INDIAN HEALTH SERVICE FA-  
11 CILITIES.—The originating site require-  
12 ments described in clauses (i) and (ii) shall  
13 not apply with respect to a facility of the  
14 Indian Health Service, whether operated  
15 by such Service, or by an Indian tribe (as  
16 that term is defined in section 4 of the In-  
17 dian Health Care Improvement Act (25  
18 U.S.C. 1603)) or a tribal organization (as  
19 that term is defined in section 4 of the In-  
20 dian Self-Determination and Education  
21 Assistance Act (25 U.S.C. 5304)).”.

22 (b) NO ORIGINATING SITE FACILITY FEE FOR NEW  
23 SITES.—Section 1834(m)(2)(B)(i) of the Social Security  
24 Act (42 U.S.C. 1395m(m)(2)(B)(i)) is amended, in the  
25 matter preceding subclause (I), by inserting “(other than  
26 an originating site that is only described in clause (iii) of

1 paragraph (4)(C), and does not meet the requirement for  
2 an originating site under clause (i) of such paragraph)”  
3 after “the originating site”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to services furnished on or after  
6 January 1, 2021.

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