

119TH CONGRESS
1ST SESSION

S. 2709

To amend title XVIII of the Social Security Act to extend certain telehealth flexibilities under the Medicare program.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 4, 2025

Mr. SCOTT of South Carolina (for himself, Mr. SCHATZ, Mrs. HYDE-SMITH, Mrs. GILLIBRAND, Mr. TILLIS, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to extend certain telehealth flexibilities under the Medicare program.

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 Moderniza-
5 tion Act”.

6 **SEC. 2. EXTENSION OF CERTAIN TELEHEALTH FLEXIBILI-**
7 **TIES.**

8 (a) REMOVING GEOGRAPHIC REQUIREMENTS AND
9 EXPANDING ORIGINATING SITES FOR TELEHEALTH

1 SERVICES.—Section 1834(m) of the Social Security Act
2 (42 U.S.C. 1395m(m)) is amended—

3 (1) in paragraph (2)(B)(iii), by striking “end-
4 ing September 30, 2025” and inserting “ending
5 September 30, 2027”; and

6 (2) in paragraph (4)(C)(iii), by striking “ending
7 on September 30, 2025” and inserting “ending on
8 September 30, 2027”.

9 (b) EXPANDING PRACTITIONERS ELIGIBLE TO FUR-
10 NISH TELEHEALTH SERVICES.—Section 1834(m)(4)(E)
11 of the Social Security Act (42 U.S.C. 1395m(m)(4)(E))
12 is amended by striking “ending on September 30, 2025”
13 and inserting “ending on September 30, 2027”.

14 (c) EXTENDING TELEHEALTH SERVICES FOR FED-
15 ERALLY QUALIFIED HEALTH CENTERS AND RURAL
16 HEALTH CLINICS.—Section 1834(m)(8) of the Social Se-
17 curity Act (42 U.S.C. 1395m(m)(8)) is amended—

18 (1) in subparagraph (A), by striking “ending on
19 September 30, 2025” and inserting “ending on Sep-
20 tember 30, 2027”;

21 (2) in subparagraph (B)—

22 (A) in the subparagraph heading, by in-
23 serting “BEFORE FISCAL YEAR 2026” after
24 “RULE”;

1 (B) in clause (i), by striking “during the
2 periods for which subparagraph (A) applies”
3 and inserting “before October 1, 2025”; and

4 (C) in clause (ii), by inserting “furnished
5 to an eligible telehealth individual before Octo-
6 ber 1, 2025” after “telehealth services”; and

7 (3) by adding at the end the following new sub-
8 paragraph:

9 “(C) PAYMENT RULE FOR FISCAL YEARS
10 2026 AND 2027.—

11 “(i) IN GENERAL.—A telehealth serv-
12 ice furnished to an eligible telehealth indi-
13 vidual by a Federally qualified health cen-
14 ter or rural health clinic on or after Octo-
15 ber 1, 2025, and before October 1, 2027,
16 shall be paid as a Federally qualified
17 health center service or rural health clinic
18 service (as applicable) under the prospec-
19 tive payment system established under sec-
20 tion 1834(o) or the methodology for all-in-
21 clusive rates established under section
22 1833(a)(3), respectively.

23 “(ii) TREATMENT OF COSTS.—Costs
24 associated with the furnishing of telehealth
25 services by a Federally qualified health

1 center or rural health clinic on or after Oc-
2 tober 1, 2025, and before October 1, 2027,
3 shall be considered allowable costs for pur-
4 poses of the prospective payment system
5 established under section 1834(o) and the
6 methodology for all-inclusive rates estab-
7 lished under section 1833(a)(3), as appli-
8 cable.”.

9 (d) DELAYING IN-PERSON REQUIREMENTS UNDER
10 MEDICARE FOR MENTAL HEALTH SERVICES FURNISHED
11 THROUGH TELEHEALTH AND TELECOMMUNICATIONS
12 TECHNOLOGY.—

13 (1) DELAY IN REQUIREMENTS FOR MENTAL
14 HEALTH SERVICES FURNISHED THROUGH TELE-
15 HEALTH.—Section 1834(m)(7)(B)(i) of the Social
16 Security Act (42 U.S.C. 1395m(m)(7)(B)(i)) is
17 amended, in the matter preceding subclause (I), by
18 striking “on or after October 1, 2025” and inserting
19 “on or after October 1, 2027”.

20 (2) MENTAL HEALTH VISITS FURNISHED BY
21 RURAL HEALTH CLINICS.—Section 1834(y)(2) of the
22 Social Security Act (42 U.S.C. 1395m(y)(2)) is
23 amended by striking “October 1, 2025” and insert-
24 ing “October 1, 2027”.

1 (3) MENTAL HEALTH VISITS FURNISHED BY
2 FEDERALLY QUALIFIED HEALTH CENTERS.—Section
3 1834(o)(4)(B) of the Social Security Act (42 U.S.C.
4 1395m(o)(4)(B)) is amended by striking “October 1,
5 2025” and inserting “October 1, 2027”.

6 (e) ALLOWING FOR THE FURNISHING OF AUDIO-
7 ONLY TELEHEALTH SERVICES.—Section 1834(m)(9) of
8 the Social Security Act (42 U.S.C. 1395m(m)(9)) is
9 amended by striking “ending on September 30, 2025” and
10 inserting “ending on September 30, 2027”.

11 (f) EXTENDING USE OF TELEHEALTH TO CONDUCT
12 FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION
13 OF ELIGIBILITY FOR HOSPICE CARE.—Section
14 1814(a)(7)(D)(i)(II) of the Social Security Act (42 U.S.C.
15 1395f(a)(7)(D)(i)(II)) is amended—

16 (1) by striking “ending on September 30,
17 2025” and inserting “ending on September 30,
18 2027”; and

19 (2) by inserting “, except that this subclause
20 shall not apply in the case of such an encounter with
21 an individual occurring on or after September 30,
22 2025, if such individual is located in an area that
23 is subject to a moratorium on the enrollment of hos-
24 pice programs under this title pursuant to section
25 1866(j)(7), if such individual is receiving hospice

1 care from a provider that is subject to enhanced
 2 oversight under this title pursuant to section
 3 1866(j)(3), or if such encounter is performed by a
 4 hospice physician or nurse practitioner who is not
 5 enrolled under section 1866(j) and is not an opt-out
 6 physician or practitioner (as defined in section
 7 1802(b)(6)(D))” before the semicolon.

8 **SEC. 3. REQUIRING MODIFIER FOR USE OF TELEHEALTH**
 9 **TO CONDUCT FACE-TO-FACE ENCOUNTER**
 10 **PRIOR TO RECERTIFICATION OF ELIGIBILITY**
 11 **FOR HOSPICE CARE.**

12 Section 1814(a)(7)(D)(i)(II) of the Social Security
 13 Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)), as amended by sec-
 14 tion 2(f), is further amended by inserting “, but only if,
 15 in the case of such an encounter occurring on or after
 16 January 1, 2026, any hospice claim includes 1 or more
 17 modifiers or codes (as specified by the Secretary) to indi-
 18 cate that such encounter was conducted via telehealth”
 19 after “as determined appropriate by the Secretary”.

20 **SEC. 4. EXTENDING ACUTE HOSPITAL CARE AT HOME**
 21 **WAIVER FLEXIBILITIES.**

22 (a) IN GENERAL.—Section 1866G(a)(1) of the Social
 23 Security Act (42 U.S.C. 1395cc–7(a)(1)) is amended by
 24 striking “2025” and inserting “2030”.

1 (b) REQUIRING ADDITIONAL STUDY AND REPORT ON
2 ACUTE HOSPITAL CARE AT HOME WAIVER FLEXIBILI-
3 TIES.—Section 1866G of the Social Security Act (42
4 U.S.C. 1395cc–7), as amended by subsection (a), is fur-
5 ther amended—

6 (1) in subsection (b), in the subsection heading,
7 by striking “STUDY” and inserting “INITIAL
8 STUDY”;

9 (2) by redesignating subsections (c) and (d) as
10 subsections (d) and (e), respectively; and

11 (3) by inserting after subsection (b) the fol-
12 lowing new subsection:

13 “(c) SUBSEQUENT STUDY AND REPORT.—

14 “(1) IN GENERAL.—Not later than September
15 30, 2028, the Secretary shall conduct a study to—

16 “(A) analyze, to the extent practicable, the
17 criteria established by hospitals under the Acute
18 Hospital Care at Home initiative to determine
19 which individuals may be furnished services
20 under such initiative; and

21 “(B) analyze and compare (both within
22 and between hospitals participating in the ini-
23 tiative, and relative to comparable hospitals
24 that do not participate in the initiative, for rel-

1 evant parameters such as diagnosis-related
2 groups)—

3 “(i) quality of care furnished to indi-
4 viduals with similar conditions and charac-
5 teristics in the inpatient setting and
6 through the Acute Hospital Care at Home
7 initiative, including health outcomes, hos-
8 pital readmission rates (including readmis-
9 sions both within and beyond 30 days post-
10 discharge), hospital mortality rates, length
11 of stay, infection rates, composition of care
12 team (including the types of labor used,
13 such as contracted labor), the ratio of
14 nursing staff, transfers from the hospital
15 to the home, transfers from the home to
16 the hospital (including the timing, fre-
17 quency, and causes of such transfers),
18 transfers and discharges to post-acute care
19 settings (including the timing, frequency,
20 and causes of such transfers and dis-
21 charges), and patient and caregiver experi-
22 ence of care;

23 “(ii) clinical conditions treated and di-
24 agnosis-related groups of discharges from
25 inpatient settings relative to discharges

1 from the Acute Hospital Care at Home ini-
2 tiative;

3 “(iii) costs incurred by the hospital
4 for furnishing care in inpatient settings
5 relative to costs incurred by the hospital
6 for furnishing care through the Acute Hos-
7 pital Care at Home initiative, including
8 costs relating to staffing, equipment, food,
9 prescriptions, and other services, as deter-
10 mined by the Secretary;

11 “(iv) the quantity, mix, and intensity
12 of services (such as in-person visits and
13 virtual contacts with patients and the in-
14 tensity of such services) furnished in inpa-
15 tient settings relative to the Acute Hospital
16 Care at Home initiative, and, to the extent
17 practicable, the nature and extent of family
18 or caregiver involvement;

19 “(v) socioeconomic information on in-
20 dividuals treated in comparable inpatient
21 settings relative to the initiative, including
22 racial and ethnic data, income, housing,
23 geographic proximity to the brick-and-mor-
24 tar facility and whether such individuals

1 are dually eligible for benefits under this
2 title and title XIX; and

3 “(vi) the quality of care, outcomes,
4 costs, quantity and intensity of services,
5 and other relevant metrics between individ-
6 uals who entered into the Acute Hospital
7 Care at Home initiative directly from an
8 emergency department compared with indi-
9 viduals who entered into the Acute Hos-
10 pital Care at Home initiative directly from
11 an existing inpatient stay in a hospital.

12 “(2) SELECTION BIAS.—In conducting the
13 study under paragraph (1), the Secretary shall, to
14 the extent practicable, analyze and compare individ-
15 uals who participate and do not participate in the
16 initiative controlling for selection bias or other fac-
17 tors that may impact the reliability of data.

18 “(3) REPORT.—Not later than September 30,
19 2028, the Secretary of Health and Human Services
20 shall submit to the Committee on Ways and Means
21 of the House of Representatives and the Committee
22 on Finance of the Senate a report on the study con-
23 ducted under paragraph (1).”.

1 **SEC. 5. ENHANCING CERTAIN PROGRAM INTEGRITY RE-**
2 **QUIREMENTS FOR DME UNDER MEDICARE.**

3 (a) DURABLE MEDICAL EQUIPMENT.—

4 (1) IN GENERAL.—Section 1834(a) of the So-
5 cial Security Act (42 U.S.C. 1395m(a)) is amended
6 by adding at the end the following new paragraph:

7 “(23) MASTER LIST INCLUSION AND CLAIM RE-
8 VIEW FOR CERTAIN ITEMS.—

9 “(A) MASTER LIST INCLUSION.—Begin-
10 ning January 1, 2028, for purposes of the Mas-
11 ter List described in section 414.234(b) of title
12 42, Code of Federal Regulations (or any suc-
13 cessor regulation), an item for which payment
14 may be made under this subsection shall be
15 treated as having aberrant billing patterns (as
16 such term is used for purposes of such section)
17 if the Secretary determines that, without ex-
18 planatory contributing factors (such as fur-
19 nishing emergent care services), a substantial
20 number of claims for such items under this sub-
21 section are for such items ordered by a physi-
22 cian or practitioner who has not previously
23 (during a period of not less than 24 months, as
24 established by the Secretary) furnished to the
25 individual involved any item or service for which
26 payment may be made under this title.

1 “(B) CLAIM REVIEW.—With respect to
2 items furnished on or after January 1, 2028,
3 that are included on the Master List pursuant
4 to subparagraph (A), if such an item is not sub-
5 ject to a determination of coverage in advance
6 pursuant to paragraph (15)(C), the Secretary
7 may conduct prepayment review of claims for
8 payment for such item.”.

9 (2) CONFORMING AMENDMENT FOR PROS-
10 THETIC DEVICES, ORTHOTICS, AND PROSTHETICS.—
11 Section 1834(h)(3) of the Social Security Act (42
12 U.S.C. 1395m(h)(3)) is amended by inserting “, and
13 paragraph (23) of subsection (a) shall apply to pros-
14 thetic devices, orthotics, and prosthetics in the same
15 manner as such provision applies to items for which
16 payment may be made under such subsection” be-
17 fore the period at the end.

18 (b) REPORT ON IDENTIFYING CLINICAL DIAGNOSTIC
19 LABORATORY TESTS AT HIGH RISK FOR FRAUD AND EF-
20 FECTIVE MITIGATION MEASURES.—Not later than Janu-
21 ary 1, 2026, the Inspector General of the Department of
22 Health and Human Services shall submit to Congress a
23 report assessing fraud risks relating to claims for clinical
24 diagnostic laboratory tests for which payment may be
25 made under section 1834A of the Social Security Act (42

1 U.S.C. 1395m-1) and effective tools for reducing such
2 fraudulent claims. The report may include information re-
3 garding—

4 (1) which, if any, clinical diagnostic laboratory
5 tests are identified as being at high risk of fraudu-
6 lent claims, and an analysis of the factors that con-
7 tribute to such risk;

8 (2) with respect to a clinical diagnostic labora-
9 tory test identified under paragraph (1) as being at
10 high risk of fraudulent claims—

11 (A) the amount payable under such section
12 1834A with respect to such test;

13 (B) the number of such tests furnished to
14 individuals enrolled under part B of title XVIII
15 of the Social Security Act (42 U.S.C. 1395j et
16 seq.);

17 (C) whether an order for such a test was
18 more likely to come from a provider with whom
19 the individual involved did not have a prior re-
20 lationship, as determined on the basis of prior
21 payment experience; and

22 (D) the frequency with which a claim for
23 payment under such section 1834A included the
24 payment modifier identified by code 59 or 91;

1 (3) suggested strategies for reducing the num-
2 ber of fraudulent claims made with respect to tests
3 so identified as being at high risk, including—

4 (A) an analysis of whether the Centers for
5 Medicare & Medicaid Services can detect aber-
6 rant billing patterns with respect to such tests
7 in a timely manner;

8 (B) any strategies for identifying and mon-
9 itoring the providers who are outliers with re-
10 spect to the number of such tests that such pro-
11 viders order; and

12 (C) targeted education efforts to mitigate
13 improper billing for such tests; and

14 (4) such other information as the Inspector
15 General determines appropriate.

16 **SEC. 6. GUIDANCE ON FURNISHING SERVICES VIA TELE-**
17 **HEALTH TO INDIVIDUALS WITH LIMITED**
18 **ENGLISH PROFICIENCY.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of the enactment of this section, the Secretary of
21 Health and Human Services, in consultation with 1 or
22 more entities from each of the categories described in
23 paragraphs (1) through (7) of subsection (b), shall issue
24 and disseminate, or update and revise as applicable, guid-

1 ance for the entities described in such subsection on the
2 following:

3 (1) Best practices on facilitating and inte-
4 grating use of interpreters during a telemedicine ap-
5 pointment.

6 (2) Best practices on providing accessible in-
7 structions on how to access telecommunications sys-
8 tems (as such term is used for purposes of section
9 1834(m) of the Social Security Act (42 U.S.C.
10 1395m(m))) for individuals with limited English pro-
11 ficiency.

12 (3) Best practices on improving access to dig-
13 ital patient portals for individuals with limited
14 English proficiency.

15 (4) Best practices on integrating the use of
16 video platforms that enable multi-person video calls
17 furnished via a telecommunications system for pur-
18 poses of providing interpretation during a telemedi-
19 cine appointment for an individual with limited
20 English proficiency.

21 (5) Best practices for providing patient mate-
22 rials, communications, and instructions in multiple
23 languages, including text message appointment re-
24 minders and prescription information.

1 (b) ENTITIES DESCRIBED.—For purposes of sub-
2 section (a), an entity described in this subsection is an
3 entity in 1 or more of the following categories:

4 (1) Health information technology service pro-
5 viders, including—

6 (A) electronic medical record companies;

7 (B) remote patient monitoring companies;

8 and

9 (C) telehealth or mobile health vendors and
10 companies.

11 (2) Health care providers, including—

12 (A) physicians; and

13 (B) hospitals.

14 (3) Health insurers.

15 (4) Language service companies.

16 (5) Interpreter or translator professional asso-
17 ciations.

18 (6) Health and language services quality certifi-
19 cation organizations.

20 (7) Patient and consumer advocates, including
21 such advocates that work with individuals with lim-
22 ited English proficiency.

1 **SEC. 7. IN-HOME CARDIOPULMONARY REHABILITATION**
2 **FLEXIBILITIES.**

3 (a) IN GENERAL.—Section 1861(eee)(2) of the Social
4 Security Act (42 U.S.C. 1395x(eee)(2)) is amended—

5 (1) in subparagraph (A)(ii), by inserting “(in-
6 cluding, with respect to items and services furnished
7 through audio and video real-time communications
8 technology (excluding audio-only) on or after Sep-
9 tember 30, 2025, and before January 1, 2027, in
10 the home of an individual who is an outpatient of
11 the hospital)” after “outpatient basis”; and

12 (2) in subparagraph (B), by inserting “(includ-
13 ing, with respect to items and services furnished
14 through audio and video real-time communications
15 technology on or after September 30, 2025, and be-
16 fore January 1, 2027, the virtual presence of such
17 physician, physician assistant, nurse practitioner, or
18 clinical nurse specialist)” after “under the pro-
19 gram”.

20 (b) PROGRAM INSTRUCTION AUTHORITY.—Notwith-
21 standing any other provision of law, the Secretary of
22 Health and Human Services may implement the amend-
23 ments made by this section by program instruction or oth-
24 erwise.

1 **SEC. 8. INCLUSION OF VIRTUAL DIABETES PREVENTION**
2 **PROGRAM SUPPLIERS IN MDPP EXPANDED**
3 **MODEL.**

4 (a) IN GENERAL.—Not later than January 1, 2026,
5 the Secretary shall revise the regulations under parts 410
6 and 424 of title 42, Code of Federal Regulations, to pro-
7 vide that, for the period beginning January 1, 2026, and
8 ending December 31, 2030—

9 (1) an entity may participate in the MDPP by
10 offering only online MDPP services via synchronous
11 or asynchronous technology or telecommunications if
12 such entity meets the conditions for enrollment as
13 an MDPP supplier (as specified in section
14 424.205(b) of title 42, Code of Federal Regulations
15 (or a successor regulation));

16 (2) if an entity participates in the MDPP in the
17 manner described in paragraph (1)—

18 (A) the administrative location of such en-
19 tity shall be the address of the entity on file
20 under the Diabetes Prevention Recognition Pro-
21 gram; and

22 (B) in the case of online MDPP services
23 furnished by such entity to an MDPP bene-
24 ficiary who was not located in the same State
25 as the entity at the time such services were fur-
26 nished, the entity shall not be prohibited from

1 submitting a claim for payment for such serv-
2 ices solely by reason of the location of such ben-
3 eficiary at such time; and

4 (3) no limit is applied on the number of times
5 an individual may enroll in the MDPP.

6 (b) DEFINITIONS.—In this section:

7 (1) MDPP.—The term “MDPP” means the
8 Medicare Diabetes Prevention Program conducted
9 under section 1115A of the Social Security Act (42
10 U.S.C. 1315a), as described in the final rule pub-
11 lished in the Federal Register entitled “Medicare
12 and Medicaid Programs; CY 2024 Payment Policies
13 Under the Physician Fee Schedule and Other
14 Changes to Part B Payment and Coverage Policies;
15 Medicare Shared Savings Program Requirements;
16 Medicare Advantage; Medicare and Medicaid Pro-
17 vider and Supplier Enrollment Policies; and Basic
18 Health Program” (88 Fed. Reg. 78818 (November
19 16, 2023)) (or a successor regulation).

20 (2) REGULATORY TERMS.—The terms “Diabe-
21 tes Prevention Recognition Program”, “MDPP ben-
22 eficiary”, “MDPP services”, and “MDPP supplier”
23 have the meanings given each such term in section
24 410.79(b) of title 42, Code of Federal Regulations.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Health and Human Services.

○