

116TH CONGRESS
2D SESSION

H. R. 5763

To amend the Public Health Service Act to advance telehealth by developing a plan for adoption and coordination by Federal agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2020

Mr. GIANFORTE (for himself and Ms. ESHOO) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to advance telehealth by developing a plan for adoption and coordination by Federal agencies, 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 “National Telehealth
5 Strategy and Data Advancement Act”.

6 **SEC. 2. RECOMMENDATIONS ON FRAMEWORK TO ADVANCE**
7 **TELEHEALTH.**

8 (a) IN GENERAL.—Section 330I of the Public Health
9 Service Act (42 U.S.C. 254c–14) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1) to read as follows:

3 “(1) DIRECTOR.—The term ‘Director’ means
4 the Director of the Office for the Advancement of
5 Telehealth as established under subsection (c).”; and

6 (B) in paragraph (7), by inserting “Such
7 term includes connected care.” after “health.”;

8 (2) in subsection (b), by striking “under section
9 301” and inserting “under subsection (d)”;

10 (3) in subsection (c)—

11 (A) in paragraph (1)—

12 (i) by striking “Health Resources and
13 Services Administration” and inserting
14 “Office of the Secretary”; and

15 (ii) by inserting “(referred to in this
16 section as the ‘Office’)” after “Telehealth”;
17 and

18 (B) in paragraph (2), by striking “under
19 section 301” and inserting “under subsection
20 (d)”;

21 (4) in subsection (h), by striking “, in a publi-
22 cation of the Health Resources and Services Admin-
23 istration,” and inserting “on a publicly accessible
24 website of the Department of Health and Human
25 Services, a”; and

1 (5) by striking subsection (s) and inserting the
2 following:

3 “(s) PLAN AND RECOMMENDATIONS TO ADVANCE
4 TELEHEALTH.—

5 “(1) IN GENERAL.—The Secretary shall—

6 “(A) not later than one year after the date
7 of the enactment of this Act develop a plan for
8 the adoption, advancement, and coordination of
9 telehealth by Federal agencies;

10 “(B) update every two years the plan de-
11 veloped under subparagraph (A) and make rec-
12 ommendations to improve access to telehealth,
13 coordination of telehealth by Federal agencies,
14 and health outcomes with respect to the use of
15 telehealth as a means to deliver health care
16 services as the Secretary determines to be ap-
17 propriate;

18 “(C) standardize Federal telehealth grant
19 processes and data reporting to build a com-
20 prehensive evidence base in order to enable
21 high-quality and effective use of telehealth to
22 deliver health care services;

23 “(D) provide assistance to regional and na-
24 tional entities to enable greater use of tele-

1 health in health care delivery by individuals,
2 health care providers, cities, and States;

3 “(E) provide Federal governance and over-
4 sight of Federal expenditures on telehealth and
5 broadband that facilitate the delivery of tele-
6 health services; and

7 “(F) ensure information sharing, cross-
8 Federal collaboration, and accountability across
9 all Federal agencies.

10 “(2) RECOMMENDATIONS.—The plan under
11 paragraph (1)(A) shall include recommendations to
12 address each of the following:

13 “(A) Achieving a standardized application
14 system for Federal telehealth grants across the
15 Department of Health and Human Services, the
16 Department of Agriculture, the Department of
17 Defense, and other agencies as the Secretary
18 determines to be appropriate.

19 “(B) Establishing a publicly available data-
20 base of all telehealth grants across Federal
21 agencies.

22 “(C) Establishing a standardized set of
23 outcome measures with a focus on cost and
24 quality of care delivered via telehealth.

1 “(D) Requiring recipients of Federal tele-
2 health grants to report standardized outcomes
3 measures.

4 “(E) Standardizing data collection and re-
5 porting across recipients of Federal telehealth
6 grants.

7 “(F) Developing a public repository for
8 data reported for research purposes through the
9 standardized set of outcome measures under
10 subparagraph (C) by recipients of Federal tele-
11 health grants.

12 “(G) Protecting information disclosed in
13 subparagraph (F) by applying the provisions of
14 the HIPAA privacy regulation (as defined in
15 section 1180(b)(3) of the Social Security Act
16 (42 U.S.C. 1320d-9)) to the entity receiving
17 and disclosing such information in the same
18 manner as such provisions would apply to such
19 information if received or disclosed by a covered
20 entity (as such term is defined for purposes of
21 such regulation).

22 “(H) Incentivizing research on reported
23 data to build a strong base of evidence on the
24 impacts of telehealth on cost and quality of
25 care.

1 “(I) Additional priority target areas as de-
2 termined appropriate by the Secretary.

3 “(3) CONSULTATION.—In developing rec-
4 ommendations under subparagraphs (A) through (E)
5 of paragraph (2), the Secretary shall consult with
6 the following individuals or their designees:

7 “(A) The heads of each agency, division,
8 element, or organization under the Department
9 of Health and Human Services.

10 “(B) The Secretary of Veterans Affairs.

11 “(C) The Secretary of Defense.

12 “(D) The Director of the Office of Man-
13 agement and Budget.

14 “(E) The Comptroller General of the
15 United States.

16 “(F) The Chairman of the Federal Com-
17 munications Commission.

18 “(G) The Chairman of the Federal Trade
19 Commission.

20 “(H) The Director of the National Insti-
21 tute of Standards and Technology.

22 “(I) The Director of the National Science
23 Foundation.

24 “(J) The Administrator of the National
25 Aeronautics and Space Administration.

1 “(K) The head of any other Federal agen-
2 cy that the Secretary determines to be appro-
3 priate.

4 “(4) PUBLIC COMMENT PERIOD.—Not later
5 than 3 months after developing the plan required
6 under paragraph (1)(A), the Secretary shall publish
7 in the Federal Register a notice providing for an op-
8 portunity for the public to comment on the rec-
9 ommendations developed under subparagraphs (A)
10 through (E) of paragraph (2).

11 “(5) REPORTS.—

12 “(A) IN GENERAL.—The Secretary shall
13 submit to Congress a biennial report on Federal
14 expenditures on telehealth and the progress of
15 agencies adopting and effectively using tele-
16 health.

17 “(B) ELEMENTS OF REPORT.—Each re-
18 port shall include the following:

19 “(i) An update on Federal invest-
20 ments in telehealth.

21 “(ii) An assessment of the percentage
22 of the costs of health care services deliv-
23 ered via telehealth that are paid using
24 Federal funds.

1 “(iii) An update on efforts to improve
2 access to telehealth.

3 “(t) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—

6 “(1) for grants under subsection (d)(1),
7 \$30,000,000 for each of fiscal years 2021 through
8 2025;

9 “(2) for grants under subsection (d)(2),
10 \$10,000,000 for each of fiscal years 2021 through
11 2025; and

12 “(3) for the activities described in subsection
13 (s), \$10,000,000 for each of fiscal years 2021
14 through 2025.”.

15 (b) CONFORMING AMENDMENT.—Section
16 330K(b)(1) of the Public Health Service Act (42 U.S.C.
17 254c–16(b)(1)) is amended by striking “Health Resources
18 and Services Administration” and inserting “Office of the
19 Secretary”.

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