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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “National Telehealth Strategy and Data Advancement Act”.

4 SEC. 2. RECOMMENDATIONS ON FRAMEWORK TO ADVANCE

5 TELEHEALTH.

6 (a) IN GENERAL.—Section 330I of the Public Health Service Act (42 U.S.C. 254e–14) is amended—
(1) in subsection (a)—

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

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

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

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

(3) in subsection (c)—

(A) in paragraph (1)—

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

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

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

(4) in subsection (h), by striking “, in a publications of the Health Resources and Services Administration,” and inserting “on a publicly accessible website of the Department of Health and Human Services, a”; and
(5) by striking subsection (s) and inserting the following:

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

“(1) IN GENERAL.—The Secretary shall—

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

“(B) update every two years the plan developed under subparagraph (A) and make recommendations to improve access to telehealth, coordination of telehealth by Federal agencies, and health outcomes with respect to the use of telehealth as a means to deliver health care services as the Secretary determines to be appropriate;

“(C) standardize Federal telehealth grant processes and data reporting to build a comprehensive evidence base in order to enable high-quality and effective use of telehealth to deliver health care services;

“(D) provide assistance to regional and national entities to enable greater use of tele-
health in health care delivery by individuals, health care providers, cities, and States;

“(E) provide Federal governance and oversight of Federal expenditures on telehealth and broadband that facilitate the delivery of telehealth services; and

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

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

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

“(B) Establishing a publicly available database of all telehealth grants across Federal agencies.

“(C) Establishing a standardized set of outcome measures with a focus on cost and quality of care delivered via telehealth.
“(D) Requiring recipients of Federal tele-
health grants to report standardized outcomes
measures.

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

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

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

“(H) Incentivizing research on reported
data to build a strong base of evidence on the
impacts of telehealth on cost and quality of
care.
“(I) Additional priority target areas as determined appropriate by the Secretary.

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

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

“(B) The Secretary of Veterans Affairs.

“(C) The Secretary of Defense.

“(D) The Director of the Office of Management and Budget.


“(F) The Chairman of the Federal Communications Commission.


“(H) The Director of the National Institute of Standards and Technology.

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

“(J) The Administrator of the National Aeronautics and Space Administration.
“(K) The head of any other Federal agency that the Secretary determines to be appropriate.

“(4) Public comment period.—Not later than 3 months after developing the plan required under paragraph (1)(A), the Secretary shall publish in the Federal Register a notice providing for an opportunity for the public to comment on the recommendations developed under subparagraphs (A) through (E) of paragraph (2).

“(5) Reports.—

“(A) In general.—The Secretary shall submit to Congress a biennial report on Federal expenditures on telehealth and the progress of agencies adopting and effectively using telehealth.

“(B) Elements of report.—Each report shall include the following:

“(i) An update on Federal investments in telehealth.

“(ii) An assessment of the percentage of the costs of health care services delivered via telehealth that are paid using Federal funds.
“(iii) An update on efforts to improve access to telehealth.

“(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

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

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

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

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

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