

116TH CONGRESS  
2D SESSION

# H. R. 5833

To amend title XVIII of the Social Security Act to permit the use of certain psychological evaluation via telehealth for Medicare coverage of neurostimulation services for the treatment of chronic pain.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2020

Mr. LATTA introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to permit the use of certain psychological evaluation via telehealth for Medicare coverage of neurostimulation services for the treatment of chronic pain.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PERMITTING CERTAIN PSYCHOLOGICAL EVALUATIONS VIA TELEHEALTH FOR MEDICARE**  
2 **COVERAGE OF NEUROSTIMULATION SERVICES FOR THE TREATMENT OF CHRONIC**  
3 **PAIN.**

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6 (a) PERMITTING USE OF PSYCHOLOGICAL EVALUA-  
7 TION VIA TELEHEALTH FOR PURPOSES OF CERTAIN COV-  
8 ERAGE OF NEUROSTIMULATION SERVICES.—Section 1834  
9 of the Social Security Act (42 U.S.C. 1395m) is amended  
10 by adding at the end the following:

11 “(x) USE OF PSYCHOLOGICAL EVALUATION VIA  
12 TELEHEALTH FOR PURPOSES OF COVERAGE OF  
13 NEUROSTIMULATION SERVICES FOR THE TREATMENT OF  
14 CHRONIC PAIN.—Notwithstanding any other provision of  
15 this title, beginning January 1, 2021, for coverage under  
16 this part of neurostimulation services, as identified under  
17 the National Coverage Determination section 160.7, titled  
18 Medicare National Coverage Determination for Electrical  
19 Nerve Stimulators, as in effect on January 1, 2020 for  
20 the treatment of chronic pain, any requirement for a psy-  
21 chological evaluation prior to receipt of the service may  
22 be satisfied through such an evaluation via telehealth.”.

23 (b) INCLUSION OF CERTAIN PSYCHOLOGICAL EVALUATIONS AS TELEHEALTH SERVICES.—Section  
24 1834(m)(4)(F)(i) of the Social Security Act (42 U.S.C.  
25 1395m(4)(F)(i)) is amended by inserting before the period  
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1 at the end the following: “, and, beginning January 1,  
2 2021, shall include psychological evaluations (identified by  
3 CPT codes 96130, 96131, 96136, 96137, 96138, and  
4 96139 and any successor codes and additional codes the  
5 Secretary determines may be necessary to perform the  
6 psychological evaluation furnished prior to the provision  
7 of neurostimulation services) furnished prior to the provi-  
8 sion of neurostimulation services (as described in section  
9 1834(x)) for the purpose of treating chronic pain”.

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