

118TH CONGRESS
2D SESSION

H. R. 8278

To amend title XVIII of the Social Security Act to extend certain telehealth flexibilities with respect to hospice care under the Medicare program, and to establish a modifier for recertifications of hospice care eligibility conducted through telehealth.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2024

Mrs. MILLER of West Virginia introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title XVIII of the Social Security Act to extend certain telehealth flexibilities with respect to hospice care under the Medicare program, and to establish a modifier for recertifications of hospice care eligibility conducted through telehealth.

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 “Hospice Recertification
5 Flexibility Act”.

1 **SEC. 2. EXTENSION OF CERTAIN TELEHEALTH FLEXIBILI-**
2 **TIES.**

3 Section 1814(a)(7)(D)(i)(II) of the Social Security
4 Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended—

5 (1) by striking “ending on December 31, 2024”
6 and inserting “ending on December 31, 2026”; and

7 (2) by inserting “, except that this subclause
8 shall not apply in the case of such an encounter with
9 an individual occurring on or after January 1, 2025,
10 if such individual is located in an area that is sub-
11 ject to a moratorium on the enrollment of hospice
12 programs under this title pursuant to section
13 1866(j)(7), if such individual is receiving hospice
14 care from a provider that is subject to enhanced
15 oversight under this title pursuant to section
16 1866(j)(3), or if such encounter is performed by a
17 hospice physician or nurse practitioner who is not
18 enrolled under section 1866(j) and is not an opt-out
19 physician or practitioner (as defined in section
20 1802(b)(6)(D))” before the semicolon.

21 **SEC. 3. ESTABLISHMENT OF MODIFIER FOR RECERTIFI-**
22 **CATIONS OF HOSPICE CARE ELIGIBILITY**
23 **CONDUCTED THROUGH TELEHEALTH.**

24 Section 1814(a)(7)(D)(i)(II) of the Social Security
25 Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)), as amended by sec-
26 tion 2, is further amended by inserting “, provided that,

1 in the case of such an encounter occurring on or after
2 the date that is 2 years after the date of the enactment
3 of the Hospice Recertification Flexibility Act, such physi-
4 cian or nurse practitioner includes in any claim for such
5 encounter one or more modifiers or codes specified by the
6 Secretary to indicate that such encounter was furnished
7 through telehealth” after “as determined appropriate by
8 the Secretary”.

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