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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to increase the use of telehealth for substance use disorder treatment and mental health services, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. MCKINLEY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title XVIII of the Social Security Act to increase the use of telehealth for substance use disorder treatment and mental health services, 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 “Telehealth Response  
5 for E-prescribing Addiction Therapy Services Act” or  
6 “TREATS Act”.

1 **SEC. 2. TELEHEALTH FOR SUBSTANCE USE DISORDER**  
2 **TREATMENT AND MENTAL HEALTH SERV-**  
3 **ICES.**

4 (a) SUBSTANCE USE DISORDER SERVICES AND MEN-  
5 TAL HEALTH SERVICES FURNISHED THROUGH TELE-  
6 HEALTH UNDER MEDICARE.—

7 (1) IN GENERAL.—Section 1834(m)(7)(A) of  
8 the Social Security Act (42 U.S.C. 1395m(m)(7)(A))  
9 is amended by adding at the end the following:  
10 “With respect to telehealth services described in the  
11 preceding sentence that are furnished to an eligible  
12 telehealth individual with a substance use disorder  
13 diagnosis for purposes of treatment of such disorder  
14 or co-occurring mental health disorder on or after  
15 the date of the enactment of the Telehealth Re-  
16 sponse for E-prescribing Addiction Therapy Services  
17 Act, or, subject to subparagraph (B), that are fur-  
18 nished to an eligible telehealth individual for pur-  
19 poses of diagnosis, evaluation, or treatment of a  
20 mental health disorder, on or after the first day  
21 after the end of the emergency period described in  
22 section 1135(g)(1)(B), nothing shall preclude the  
23 furnishing of such services through audio or tele-  
24 phone only technologies in the case where a physi-  
25 cian or practitioner has already conducted an in-per-  
26 son medical evaluation or a telehealth evaluation

1 that utilizes both audio and visual capabilities with  
2 the eligible telehealth individual.”.

3 (2) IMPLEMENTATION.—The Secretary of  
4 Health and Human Services may implement this  
5 subsection by program instruction or otherwise.

6 (b) CONTROLLED SUBSTANCES DISPENSED BY  
7 MEANS OF THE INTERNET.—Section 309(e)(2) of the  
8 Controlled Substances Act (21 U.S.C. 829(e)(2)) is  
9 amended—

10 (1) in subparagraph (A)(i)—

11 (A) by striking “at least 1 in-person med-  
12 ical evaluation” and inserting the following: “at  
13 least—

14 “(I) 1 in-person medical evalua-  
15 tion”; and

16 (B) by adding at the end the following:

17 “(II) for purposes of prescribing  
18 a controlled substance in schedule III  
19 or IV, 1 telehealth evaluation; or”;  
20 and

21 (2) by adding at the end the following:

22 “(D)(i) The term ‘telehealth evaluation’  
23 means a medical evaluation that is conducted in  
24 accordance with applicable Federal and State  
25 laws by a practitioner (other than a phar-

1           macist) who is at a location remote from the  
2           patient and is communicating with the patient  
3           using a telecommunications system referred to  
4           in section 1834(m) of the Social Security Act  
5           (42 U.S.C. 1395m(m)) that includes, at a min-  
6           imum, audio and video equipment permitting  
7           two-way, real-time interactive communication  
8           between the patient and distant site practi-  
9           tioner.

10           “(ii) Nothing in clause (i) shall be con-  
11           strued to imply that 1 telehealth evaluation  
12           demonstrates that a prescription has been  
13           issued for a legitimate medical purpose within  
14           the usual course of professional practice.

15           “(iii) A practitioner who prescribes the  
16           drugs or combination of drugs that are covered  
17           under section 303(g)(2)(C) using the authority  
18           under subparagraph (A)(i)(II) of this para-  
19           graph shall adhere to nationally recognized evi-  
20           dence-based guidelines for the treatment of pa-  
21           tients with opioid use disorders and a diversion  
22           control plan, as those terms are defined in sec-  
23           tion 8.2 of title 42, Code of Federal Regula-  
24           tions, as in effect on the date of enactment of  
25           this subparagraph.”.