

**AMENDMENT TO H.R.**  
**OFFERED BY MS. ESHOO**

Insert at the appropriate place the following:

1 **SEC. \_\_\_\_.** **COVERAGE OF REMOTE MONITORING SERVICES.**

2 (a) IN GENERAL.—Section 1861(s)(2) (42 U.S.C.  
3 1395x(s)(2)) is amended—

4 (1) by striking “and” at the end of subpara-  
5 graph (U);

6 (2) by inserting “and” at the end of subpara-  
7 graph (V); and

8 (3) by inserting after subparagraph (V) the fol-  
9 lowing new subparagraph:

10 “(W) remote monitoring services that are—

11 “(i) determined by the Secretary to provide  
12 comparable data to face-to-face encounter-based  
13 monitoring services (as such terms are defined  
14 in subsection (ww)); and

15 “(ii) provided to an individual who would  
16 otherwise be entitled to receive coverage under  
17 this title of the face-to-face encounter-based  
18 monitoring service that the Secretary deter-  
19 mines under clause (i) to provide comparable  
20 data to the remote monitoring service.”

1 (b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C.  
2 1395x) is amended by adding at the end the following new  
3 subsection:

4 “REMOTE MONITORING SERVICES

5 “(ww)(1) The term ‘remote monitoring services’  
6 means any service provided through a system of tech-  
7 nology that allows the collection of clinical data and the  
8 transmission of such data between a patient at a distant  
9 location and a physician through a remote interface so  
10 that the physician may conduct a clinical review of such  
11 data or provide a response relating to such data.

12 “(2) The term ‘face-to-face encounter-based moni-  
13 toring services’ means any in-office or facility-based serv-  
14 ice for which payment may be made under this title with  
15 a code that is specific to the collection of clinical data and  
16 the transmission of such data between a patient and a  
17 physician so that the physician may conduct a clinical re-  
18 view of such data or provide a response relating to such  
19 data.

20 “(3) For purposes of this subsection, the term ‘dis-  
21 tant location’ means any location that is outside of the  
22 office or the facility of the patient’s physician.

23 “(4) Coverage of remote monitoring services under  
24 this title with respect to an individual may not be re-  
25 stricted based on the geographic area of residence of the  
26 individual.”.

1 (c) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—

2 Section 1848 (42 U.S.C. 1395w-4) is amended—

3 (1) in subsection (c), by adding at the end the  
4 following new paragraph:

5 “(7) TREATMENT OF REMOTE MONITORING  
6 SERVICES.—

7 “(A) CONVERSION FACTOR AND RELATIVE  
8 VALUE UNITS.—The Secretary may not de-  
9 crease the conversion factor or the number of  
10 relative value units applicable to a remote moni-  
11 toring service (as defined in section  
12 1861(ww)(1)) covered under this title pursuant  
13 to section 1861(s)(2)(W) from the conversion  
14 factor or the number of relative value units ap-  
15 plicable to the face-to-face encounter-based  
16 monitoring service (as defined in section  
17 1861(ww)(2)) that the Secretary determines  
18 provides comparable data to such remote moni-  
19 toring service.

20 “(B) FREQUENCY GUIDELINES.—A remote  
21 monitoring service (as so defined) covered  
22 under this title pursuant to section  
23 1861(s)(2)(W) shall be subject to the same  
24 guidelines developed on the frequency of billing  
25 for the face-to-face encounter-based monitoring

1 service (as so defined) that the Secretary deter-  
2 mines provides comparable data to such remote  
3 monitoring service.”; and

4 (2) in subsection (j)(3), by inserting “(2)(W),”  
5 after “(2)(S),”.

6 (d) BUDGET NEUTRALITY.—The Secretary of Health  
7 and Human Services shall implement the amendments  
8 made by this section in a budget-neutral manner. In ap-  
9 plying subparagraph (D) of section 1848(f)(2) of the So-  
10 cial Security Act, the enactment of this section shall not  
11 be treated as a change in law or regulations resulting, but  
12 the Secretary shall adjust the sustainable growth rate  
13 under such section so as to eliminate a new increase in  
14 expenditures (if any) resulting from the enactment of this  
15 section.

16 (e) CONSTRUCTION.—Nothing in this section shall be  
17 construed to prohibit the request for, or the issuance by  
18 the Secretary of Health and Human Services of, a sepa-  
19 rate billing code for any remote monitoring service (as de-  
20 fined in section 1861(w)(1) of the Social Security Act  
21 (42 U.S.C. 1395x(w)(1)), as added by subsection (b))  
22 through an authority of the Secretary of Health and  
23 Human Services other than the authority provided by the  
24 amendments made by this section.

1           (f) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to services furnished on or after  
3 January 1, 2004.