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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To provide temporary licensing reciprocity for telehealth and interstate health care treatment.

IN THE HOUSE OF REPRESENTATIVES

Mr. LATTA introduced the following bill; which was referred to the Committee on _____

A BILL

To provide temporary licensing reciprocity for telehealth and interstate health care treatment.

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 “Temporary Reciprocity
5 to Ensure Access to Treatment Act” or the “TREAT
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) the term “health care professional” means
2 an individual who—

3 (A) has a valid and unrestricted license or
4 certification from, or is otherwise authorized by,
5 a State, the District of Columbia, or a territory
6 or possession of the United States, for any
7 health profession, including mental health; and

8 (B) is not affirmatively excluded from
9 practice in the licensing or certifying jurisdic-
10 tion or in any other jurisdiction;

11 (2) the term “Secretary” means the Secretary
12 of Health and Human Services;

13 (3) the term “telehealth services” means use of
14 telecommunications and information technology (in-
15 cluding synchronous or asynchronous audio-visual,
16 audio-only, or store and forward technology) to pro-
17 vide access to mental health assessment, diagnosis,
18 treatment, intervention, consultation, supervision,
19 and information across distance; and

20 (4) the terms “emergency area” and “emer-
21 gency period” have the meaning given such terms in
22 section 1135(g) of the Social Security Act (42
23 U.S.C. 1320b-5(g)).

1 **SEC. 3. TEMPORARY AUTHORIZATION OF TELEHEALTH**
2 **AND INTERSTATE TREATMENT.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of Federal or State law or regulation regarding the
5 licensure or certification of health care providers or the
6 provision of telehealth services, a health care professional
7 may practice within the scope of the individual’s license,
8 certification, or authorization described in section 3(1)(A),
9 with respect to mental health services, through telehealth,
10 in any emergency area during an emergency period, based
11 on the licensure, certification, or authorization of such in-
12 dividual in any one State, the District of Columbia, or ter-
13 ritory or possession of the United States.

14 (b) **SCOPE OF TELEHEALTH SERVICES.**—Telehealth
15 services authorized by this section are mental health serv-
16 ices provided to any patient regardless of whether the
17 health care professional has a prior treatment relationship
18 with the patient, provided that, if the health care profes-
19 sional does not have a prior treatment relationship with
20 the patient, a new relationship may be established only
21 via a written acknowledgment or synchronous technology.

22 (c) **INITIATION OF TELEHEALTH SERVICES.**—Before
23 providing telehealth services authorized by this section, the
24 health care professional shall—

25 (1) verify the identification of the patient re-
26 ceiving health services;

1 (2) obtain oral or written acknowledgment from
2 the patient (or legal representative of the patient) to
3 perform telehealth services, and if such acknowledg-
4 ment is oral, make a record of such acknowledg-
5 ment; and

6 (3) obtain or confirm an alternative method of
7 contacting the patient in case of a technological fail-
8 ure.

9 (d) WRITTEN NOTICE OF PROVISION OF SERV-
10 ICES.—As soon as practicable, but not later than 30 days
11 after first providing services pursuant to this section in
12 a jurisdiction other than the jurisdiction in which a health
13 care professional is licensed, certified, or otherwise author-
14 ized, such health care professional shall provide written
15 notice to the applicable licensing, certifying, or authorizing
16 authority in the jurisdiction in which the health care pro-
17 fessional provided such services. Such notice shall include
18 the health care professional's—

19 (1) name;

20 (2) email address;

21 (3) phone number;

22 (4) State of primary license, certification, or
23 authorization; and

24 (5) license, certification, or authorization type,
25 and applicable number or identifying information

1 with respect to such license, certification, or author-
2 ization.

3 (e) CLARIFICATION.—Nothing in this section author-
4 izes a health care professional to—

5 (1) practice beyond the scope of practice au-
6 thorized by—

7 (A) any State, District of Columbia, terri-
8 torial, or local authority in the jurisdiction in
9 which the health care professional holds a li-
10 cense, certification, or authorization described
11 in section 3(1)(A); or

12 (B) any State, District of Columbia, terri-
13 torial, or local authority in the jurisdiction in
14 which the patient receiving services is located;

15 (2) provide any service or subset of services
16 prohibited by any such authority in the jurisdiction
17 in which the patient receiving services is located;

18 (3) provide any service or subset of services in
19 a manner prohibited by any such authority the juris-
20 diction in which the patient receiving services is lo-
21 cated; or

22 (4) provide any service or subset of services in
23 a manner other than the manner prescribed by any
24 such authority in the jurisdiction in which the pa-
25 tient receiving services is located.

1 (f) INVESTIGATIVE AND DISCIPLINARY AUTHOR-
2 ITY.—A health care professional providing services pursu-
3 ant to the authority under this section shall be subject
4 to investigation and disciplinary action by the licensing,
5 certifying, or authorizing authorities in the jurisdiction in
6 which the patient receiving services is located. The juris-
7 diction in which the patient receiving services is located
8 shall have the authority to preclude the health care pro-
9 vider from practicing further in its jurisdiction, whether
10 such practice is authorized by the laws of such jurisdiction
11 or the authority granted under this section, and shall re-
12 port any such preclusion to the licensing authority in the
13 jurisdiction in which the health care provider is licensed,
14 certified, or authorized.

15 (g) MULTIPLE JURISDICTION LICENSURE.—Notwith-
16 standing any other provision of this section, a health care
17 professional shall be subject to the requirements of the
18 jurisdiction of licensure if the professional is licensed in
19 the State, the District of Columbia, or territory or posses-
20 sion where the patient is located.

21 (h) INTERSTATE LICENSURE COMPACTS.—If a
22 health care professional is licensed in multiple jurisdic-
23 tions through an interstate licensure compact, with respect
24 to services provided to a patient located in a jurisdiction
25 covered by such compact, the health care professional shall

1 be subject to the requirements of the compact and not this
2 section.