

November 10, 2022

***Executive Summary:***

The increase in telehealth use and coverage during the COVID-19 pandemic has been accompanied by an increase in the use and uptake of Remote Patient Monitoring (RPM) devices. Recognizing this, several pieces of legislation have been introduced during the 117th Congress (2021-2022) that address the use or study of RPM services. In total, there are 17 active bills in the House and Senate that address RPM services in some form. These bills largely fall into two categories: (1) information gathering on the use and effectiveness of RPM services during the pandemic, or (2) establishing pilot programs or providing funding for RPM services.

Most active bills that address RPM services require government agencies to evaluate and report back to Congress on the use and effectiveness of RPM devices during the COVID-19 pandemic. For example, the COVID-19 Emergency Telehealth Impact Reporting Act of 2021, introduced in the House by a bipartisan group of Representatives, would require HHS to analyze and prepare a report on the impact of telehealth and RPM services that were expanded and authorized through waivers during the COVID-19 pandemic. HHS would be required to analyze the impact of these technologies on metrics including health care utilization, quality, and accessibility.

A few active bills would establish pilot programs or provide grants to states or providers to expand the use of RPM services, like for chronically ill patients or pregnancy-related complications. For example, the Technology-Enable Care at Home (TECH) Act, introduced in March by Senators Tim Scott (R-SC) and Raphael Warnock (D-GA), would require the Center for Medicare and Medicaid Innovation to test a model for the use of telehealth services, remote patient monitoring, and other at-home interventions for chronically ill Medicare Advantage enrollees. The bill requires the project to test the effect of such technology on Medicare Advantage spending and the overall quality of care for beneficiaries.

The document below contains a brief summary of each active bill that addresses the use or study of RPM services. While none of these pieces of legislation have moved past the committee stage, they offer insight into how the 118th Congress might address the availability and use of RPM devices moving forward.



## Healthy Moms and Babies Act

Introduced 09/29/2022

[S.5015](#) - Introduced by Senator Chuck Grassley (R-IA)

Committee of Jurisdiction: Senate – Finance

### Bill Summary:

This bill attempts to improve maternal and child health outcomes by increasing the coordination of care and access to telehealth services. The legislation incorporates the Connected MOM Act (introduced May 2021), which requires CMS to provide Congress with a report on State practices for covering RPM devices, and to provide recommendations on how to address limitations and barriers to using RPM devices. After CMS submits its report, the agency must update the resources it provides to State Medicaid programs to align with its recommendations on how to support the use of RPM devices.

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## PRO-LIFE Act of 2022

Introduced 9/15/2022

[H.R.8588](#) - Introduced by Representative Dean Phillips (D-MN) and 28 Democratic cosponsors

Committees of Jurisdiction: House – Energy and Commerce; Financial Services; Transportation and Infrastructure; Education and Labor; Judiciary; Natural Resources; Agriculture; Veterans' Affairs; Ways and Means

### Bill Summary:

This bill requires multi-agency efforts to improve maternal health and reduce maternal mortality, particularly among racial and ethnic minority groups, veterans, and other vulnerable populations. The legislation incorporates the language of the Tech to Save Moms Act (introduced February 2021 and discussed in more detail below), which provides grants to support the use of RPM tools to improve and address disparities in maternal health outcomes.

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## Fair Care Act of 2022

Introduced 7/28/2022

[H.R.8588](#) - Introduced by Representatives Bruce Westerman (R-AR) and Anthony Gonzalez (R-OH)

Committees of Jurisdiction: House – Energy and Commerce; Ways and Means; Education and Labor; Judiciary; Oversight and Reform; Rules; Budget; Armed Services; House Administration

### Bill Summary:

This bill attempts to address the costs of health care services, prescription drugs, and health insurance coverage in the United States in multiple ways. Subtitle D of the bill addresses the improvement and expansion of telehealth services within the Medicare program, including by expanding coverage for remote patient monitoring services for chronic health conditions. The bill also provides the Secretary with guidelines for determining the payment of covered remote patient monitoring services.

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### **Health Equity and Accountability Act of 2022**

Introduced 04/26/2022 in House; Introduced 06/23/2022 in Senate

[S.4486](#) - Introduced by Senator Cory Booker (D-NJ) and 10 Democratic cosponsors

Committee of Jurisdiction: Senate – Finance

[H.R.7585](#) - Introduced by Representative Robin Kelly (D-IL) and 81 Democratic cosponsors

Committees of Jurisdiction: House – Energy and Commerce; Agriculture; Oversight and Reform; Ways and Means; Education and Labor; Judiciary; Budget; Veterans' Affairs; Natural Resources; Armed Services; Homeland Security; Financial Services; Transportation and Infrastructure

#### Bill Summary:

This bill directs HHS and others to undertake efforts to reduce health disparities. Among other things, the legislation establishes a pilot project to incentivize home health agencies to use RPM tools to treat Medicare beneficiaries and requires HHS to report back on the effectiveness of the project. The law also incorporates similar language and requirements as the MOMMIES Act and ENACT Act, to facilitate the use of RPM devices to improve material health outcomes and facilitate minority participation in clinical trials.

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### **Technology-Enabled Care in the Home (TECH) Act**

Introduced 03/10/2022

[S.3793](#) - Introduced by Senators Tim Scott (R-SC) and Raphael Warnock (D-GA)

Committee of Jurisdiction: Senate – Finance

#### Bill Summary:

This legislation provides for the Center for Medicare and Medicaid Innovation (CMMI) to test a model for the use of telehealth services, remote patient monitoring, and other at-home interventions for chronically ill Medicare Advantage enrollees. The project must test the effect of such technology on Medicare Advantage spending and the overall quality of care for beneficiaries.

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## **Department of Veterans Affairs Telehealth Strategy Act**

Introduced 10/28/2021

[H.R.5787](#) - Introduced by Representative Matthew Rosendale Sr. (R-MT) and 13 Republican cosponsors

Committee of Jurisdiction: House – Veterans’ Affairs

### Bill Summary:

This bill requires the Secretary of Veterans Affairs to submit to the House and Senate a strategy for telehealth services furnished by the VHA including, among other things, an estimate of the technology needed to support the demand for remote patient monitoring in coming years.

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## **Choose Home Care Act of 2021**

Introduced 07/29/2021 in Senate; 10/08/2021 in House

[S.2562](#) - Introduced by Senator Debbie Stabenow (D-MI) and 17 bipartisan cosponsors

Committee of Jurisdiction: Senate – Finance

[H.R.5514](#) - Introduced by Representative Henry Cuellar (D-TX) and 44 bipartisan cosponsors

Committees of Jurisdiction: House – Ways and Means; Energy and Commerce

### Bill Summary:

This legislation provides that Medicare will cover extended-care services furnished to beneficiaries in their homes by home health agencies, including nursing care, meals and nutritional support, home medical supplies, nonemergency medical transportation, and care coordination. Under the bill, remote patient monitoring as a supplement to in-person care is included as a covered service under the umbrella of home-based extended care services.

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## **Analyzing the Duration of Remote Monitoring Services Act of 2021**

Introduced 07/02/2021

[H.R.4347](#) - Introduced by Representative Troy Balderson (R-OH); Katie Porter (D-CA); and Ashley Hinson (R-IA)

Committees of Jurisdiction: House – Energy and Commerce; Ways and Means

### Bill Summary:

This bill requires CMS to ensure that payments for remote physiologic monitoring services under Medicare continue to be made for a minimum of two days of data collection over a 30-day period until two years after the COVID-19 emergency period ends. After the public health emergency period ends,

the legislation requires CMS to provide Congress with a report specifying the appropriate number of days of data collection over a 30-day period that should be required for payment for remote physiologic monitoring services in Medicare plans.

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**Increasing Rural Telehealth Access Act of 2021**

Introduced 06/17/2021

[S.2110](#) - Introduced by Senator John Kennedy

Committee of Jurisdiction: Senate – Health, Education, Labor, and Pensions

[H.R.4008](#) - Introduced by Representatives Dan Newhouse (R-WA); Tom O’Halloran (D-AZ); Tom Cole (R-OK); and Antonio Delgado (D-NY)

Committee of Jurisdiction: House – Energy and Commerce

Bill Summary:

This legislation establishes a pilot project to increase the use of remote patient monitoring technology in rural areas.

Specifically, this legislation would require the Health Resources and Services Agency (HRSA) to award grants to coordinate care in rural areas for individuals with chronic conditions and conduct other activities using remote patient monitoring technology. In awarding these grants, HRSA will give priority to entities that can establish programs quickly and that use technologies that provide continuous, real-time coaching services. Recipients of the grants could use the funds to develop and deliver services using remote patient monitoring technology and other related activities. The bill would appropriate \$50,000,000 for the pilot project.

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**ENACT Act of 2021**

Introduced 05/11/2021

[S.1548](#) - Introduced by Senator Ben Ray Lujan (D-MN) and 18 bipartisan cosponsors

Committee of Jurisdiction: Senate – Health, Education, Labor, and Pensions

[H.R.3085](#) - Introduced by Representative Lisa Blunt Rochester (D-CA) and 99 bipartisan cosponsors

Committee of Jurisdiction: House – Energy and Commerce

Bill Summary:

This bill sets out activities and requirements to increase the participation of underrepresented populations in research and clinical trials for Alzheimer's disease and dementia. In order to facilitate the participation of members of minority groups in clinical research, the legislation encourages the use of telehealth, remote patient monitoring, and other mobile technologies that reduce barriers to participation in clinical research.

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**MOMMIES Act**

Introduced 05/07/2021 in House; 05/10/2021 in Senate

[S.1542](#) - Introduced by Senators Cory Booker (D-NJ); Tammy Baldwin (D-WI); Kirsten Gillibrand (D-NY); Richard Blumenthal (D-CT); Debbie Stabenow (D-MI); Elizabeth Warren (D-MA); Bernard Sanders (I-VT); Tina Smith (D-MN)

Committee of Jurisdiction: Senate – Finance

[H.R.3063](#) - Introduced by Representative Ayanna Pressley (D-MA) and 28 Democratic cosponsors

Committee of Jurisdiction: House – Energy and Commerce

Bill Summary:

This bill establishes a series of programs and requirements under Medicaid and the Children's Health Insurance Program (CHIP) relating to maternal health. In addition to expanding eligibility for Medicaid and CHIP following pregnancy, the bill also establishes a demonstration program in which states receive grants to implement or expand models for maternity care homes that provide services to Medicaid or CHIP beneficiaries. Finally, The Government Accountability Office must report on the use of telehealth by state Medicaid programs to increase access to maternity care, including remote patient monitoring devices like blood pressure and blood glucose monitors.

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**Creating Opportunities Now for Necessary and Effective Care Technologies (CONNECT) for Health Act of 2021**

Introduced 04/28/2021 in House; Introduced 04/29/2021 in Senate

[S.1512](#) - Introduced by Senator Brian Schatz (D-HI) and 61 bipartisan cosponsors

Committee of Jurisdiction: Senate – Finance

[H.R.2903](#) - Introduced by Representative Mike Thompson (D-CA) and 147 bipartisan cosponsors

Committee of Jurisdiction: House – Energy and Commerce; Ways and Means

Bill Summary:

This bill expands coverage of telehealth services under Medicare. The legislation allows CMS to waive certain restrictions relating to telehealth services, including restrictions on the types of technology that may be used in the provision of telehealth services. Relatedly, CMS shall collect and analyze data on the impact of telehealth services and remote patient monitoring services permitted under these waivers. The legislation also provides funds for oversight and enforcement activities with respect to telehealth and remote patient monitoring services.

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### **Connected MOM Act**

Introduced 03/17/2021

[S.801](#) - Introduced by Senators Bill Cassidy (R-LA); Margaret Wood Hassan (D-NH); Thomas Carper (D-DE); Todd Young (R-IN); Jacky Rosen (D-NV); and John Thune (R-SD)

Committee of Jurisdiction: Senate – Finance

#### Bill Summary:

This bill requires CMS to provide Congress with a report on State practices for covering remote physiological monitoring devices, including limitations and barriers to such coverage and the impact on maternal health outcomes. The report should also include recommendations on how to address such limitations or barriers to coverage of remote physiological devices under State Medicaid programs. After CMS submits its report, the agency must update the resources it provides to State Medicaid programs to align with its recommendations on how to support the use of remote physiological monitoring.

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### **COVID-19 Emergency Telehealth Impact Reporting Act of 2021**

Introduced 02/26/2021

[H.R.1406](#) - Introduced by Representatives John Curtis (R-UT); Peter Welch (D-VT); Doris Matsui (D-CA); Michael Burgess (R-TX); Scott Peters (D-CA); Lisa Blunt Rochester (D-DE)

Committee of Jurisdiction: House – Energy and Commerce; Ways and Means

#### Bill Summary:

This bill requires HHS to analyze and prepare a report on the impact of telehealth and RPM services that were expanded and authorized through waivers during the COVID-19 pandemic. HHS would be required to analyze the impact of these technologies on metrics including health care utilization, quality, and accessibility.

### **Tech To Save Moms Act**

Introduced 02/08/2021 in House; Introduced 03/23/2021 in Senate

[S.893](#) - Introduced by Senators Robert Menendez (D-NJ) and Dan Sullivan (R-AK)

Committee of Jurisdiction: Senate – Health, Education, Labor, and Pensions

[H.R.937](#) - Introduced by Representative Eddie Bernice Johnson (D-TX) and 36 bipartisan cosponsors

Committee of Jurisdiction: House – Energy and Commerce

Bill Summary:

This bill supports the use of technology to improve and address disparities in maternal health outcomes. Specifically, the legislation allows CMMI to test telehealth models to screen and treat common pregnancy-related complications for Medicaid enrollees. The legislation also provides that HHS must distribute grants to State entities to evaluate and expand the use of telehealth and other technology to improve maternal health outcomes, including the use of RPM tools for pregnancy-related complications. Finally, the legislation requires the National Academies of Sciences, Engineering, and Medicine to study best practices for the use of technology and RPM devices in maternal health care.

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**Black Maternal Health Momnibus Act of 2021**

Introduced 02/08/2021 in House; Introduced 02/22/2021 in Senate

[S.346](#) - Introduced by Senator Cory Booker (D-NJ) and 31 Democratic cosponsors

Committee of Jurisdiction: Senate – Health, Education, Labor, and Pensions

[H.R.959](#) - Introduced by Representative Lauren Underwood (D-IL) and 187 Democratic cosponsors

Committees of Jurisdiction: House – Energy and Commerce; Financial Services; Transportation and Infrastructure; Education and Labor; Judiciary; Natural Resources; Agriculture; Veterans' Affairs

Bill Summary:

This bill directs multi-agency efforts to improve maternal health, particularly among racial and ethnic minority groups, veterans, and other vulnerable populations. The bill incorporates the language of the Tech to Save Moms Act, which supports the use of RPM tools to improve and address disparities in maternal health outcomes.

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**Protecting Access to Post-COVID-19 Telehealth Act of 2021**

Introduced 01/19/2021

[H.R.366](#) - Introduced by Representative Mike Thompson (D-CA) and 62 bipartisan cosponsors

Committee of Jurisdiction: House – Energy and Commerce; Ways and Means



## Bill Summary:

This bill makes permanent several telehealth flexibilities that were initially authorized during the public health emergency relating to COVID-19, particularly with respect to Medicare coverage of telehealth services. For example, the bill permanently allows beneficiaries to receive Medicare telehealth services at any site or location and grants CMS the general authority to waive any other requirements during any emergency period. The bill also requires HHS to collect data and report on the impact, use, and effectiveness of telehealth and RPM services during the COVID-19 pandemic.