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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Employee Retirement Income Security Act of 1974 to prohibit health care providers and facilities from imposing certain facility fees for telehealth.

IN THE HOUSE OF REPRESENTATIVES

Mrs. HAYES introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Employee Retirement Income Security Act of 1974 to prohibit health care providers and facilities from imposing certain facility fees for 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 “Fair Telehealth Billing
5 Act of 2026”.

1 **SEC. 2. PROHIBITING HEALTH CARE PROVIDERS AND FA-**
2 **CILITIES FROM IMPOSING CERTAIN FACILITY**
3 **FEEES FOR TELEHEALTH.**

4 (a) IN GENERAL.—Subtitle B of title I of the Em-
5 ployee Retirement Income Security Act of 1974 (29
6 U.S.C. 1021 et seq.) is amended by adding at the end
7 the following new part:

8 **“PART 9—BILLING REQUIREMENTS FOR HEALTH**
9 **CARE FACILITIES AND PROVIDERS**

10 **“SEC. 901. LIMITATION ON TELEHEALTH FACILITY FEES.**

11 “A health care provider or facility may not bill a sep-
12 arate facility fee when a health care provider who provided
13 telehealth services is authorized to bill independently for
14 the professional services rendered.”.

15 (b) ENFORCEMENT.—Section 502 of the Employee
16 Retirement Income Security Act of 1974 (29 U.S.C. 1132)
17 is amended—

18 (1) in subsection (a)(6), by striking “or (9)”
19 and inserting “(9), or (13)”; and

20 (2) in subsection (c), by adding at the end the
21 following new paragraph:

22 “(13) If a health care provider or facility is
23 found by the Secretary to be in violation of section
24 901, the Secretary may assess a civil monetary pen-
25 alty against such provider or facility in an amount
26 not to exceed \$10,000 per violation.”.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 of the Employee Retirement Income Security Act of 1974
3 (29 U.S.C. 1001 note) is amended by inserting after the
4 item relating to section 804 the following new item:

“PART 9—BILLING REQUIREMENTS FOR HEALTH CARE FACILITIES AND
PROVIDERS

“901. Limitation on telehealth facility fees.”.

5 (d) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to telehealth serv-
7 ices furnished on or after January 1, 2028.

8 **SEC. 3. IMPLEMENTATION.**

9 The Secretary of Labor shall implement the amend-
10 ments made by this Act by rulemaking.