June 29, 2020

The Honorable Mitch McConnell Majority Leader **United States Senate** Washington, DC 20510

The Honorable Charles Schumer Minority Leader **United States Senate** Washington, DC 20510

The Honorable Nancy Pelosi Speaker United States House of Representatives Washington, DC 20515

The Honorable Kevin McCarthy Minority Leader United States House of Representatives Washington, DC 20515

## Dear Congressional Leaders:

Thank you for acting to expand access to telehealth services during the COVID-19 public health emergency (PHE) by providing the Department of Health and Human Services (HHS) and the Centers for Medicare & Medicaid Services (CMS) the authority to waive longstanding restrictions on Medicare telehealth services and ensuring that additional types of health care providers can furnish telehealth services during the pandemic.

Providers across the country have utilized these flexibilities to scale delivery and provide older Americans, many for the first time, access to high quality virtual care, resulting in 11.3 million beneficiaries accessing telehealth services in mid-April alone. 1 Medicare Advantage plans have driven a similar expansion with 91 percent of seniors reporting a favorable telehealth experience and 78 percent likely to use telehealth again in the future, figures that closely track with similar patient satisfaction data from health systems nationwide.<sup>2</sup> Additional flexibility has also allowed Federally Qualified Health Centers (FQHC) to deliver safe and effective care to underserved patient populations that have rated the service they received highly.<sup>3</sup>

Private health plans have also followed suit, and in response, telehealth adoption has soared resulting in a 4,300 percent year-over-year increase in claims for March 2020.4 Taken as a whole, these temporary policy changes have allowed 46 percent of Americans to replace a cancelled healthcare visit with a telehealth service during the pandemic. With so many patients accessing care virtually, expectations for the future of our healthcare system have shifted significantly and 76 percent of Americans now report having a strong interest in using telehealth moving forward.5

Driven by swift action from Congress and new patient demand, healthcare organizations are dramatically transforming and investing in new technologies to meet the needs of many Americans. Unfortunately, much of this transformation is dependent on temporary flexibilities extended to health systems and providers that are limited to the duration of the COVID-19 public health emergency declaration. Absent additional action from Congress, Medicare beneficiaries will abruptly lose access to nearly all recently expanded coverage of telehealth services when the emergency declaration ends.

<sup>&</sup>lt;sup>1</sup> https://www.healthcaredive.com/news/medicare-seniors-telehealth-covid-coronavirus-cms-trump/578685/

<sup>&</sup>lt;sup>2</sup> https://www.bettermedicarealliance.org/sites/default/files/BMA%20Memo%20CT%20D2%5B3%5D.pdf

<sup>&</sup>lt;sup>3</sup> https://www.himss.org/resources/providing-telehealth-visits-underserved-communities-case-study

<sup>&</sup>lt;sup>4</sup> https://www.fairhealth.org/states-by-the-numbers/telehealth

 $<sup>^{5} \, \</sup>text{https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/telehealth-a-quarter-trillion-dollar-post-covid-19-like the control of the cont$ reality

Virtual care has provided unprecedented access for patients, but it has become clear that uncertainty as to the future of telehealth under Medicare will halt or reverse further adoption and utilization – to the detriment of both patients and providers.

Given the statutory restrictions in Section 1834(m) of the Social Security Act and that the authorities granted to HHS and CMS through recent coronavirus legislation are limited to the COVID-19 public health emergency period, Congress must act to ensure that the Secretary has the appropriate flexibility to assess, transition, and codify any of the recent COVID-19-related telehealth flexibilities and ensure telehealth is regulated the same as in-person services. Congress not only has the opportunity to finally bring the US healthcare system into the 21<sup>st</sup> century, but the responsibility to ensure that billions of dollars in COVID-focused investments made during the pandemic are not wasted and instead used to support the transformation of care delivery and ultimately, expand access to high quality virtual care to all Americans.

With these critical issues in mind, we ask that Congress advance permanent telehealth reform focused on the following priorities:

- 1. Remove Obsolete Restrictions on the Location of the Patient: Congress should permanently remove the current section 1834(m) geographic and originating site restrictions to ensure that all patients can access care at home, and other appropriate locations. The response to COVID-19 has shown the importance of making telehealth services available in rural and urban areas alike. In order to bring clarity and provide certainty to patients and providers, we strongly urge Congress to address these restrictions in statute by striking the section 1834(m) geographic limitation on originating sites and allow beneficiaries across the country to receive virtual care in their homes, or location of their choosing, where clinically appropriate and with beneficiary protections and guardrails in place.
- 2. Maintain and Enhance HHS Authority to Determine Appropriate Providers and Services for Telehealth: Congress should provide the Secretary with the flexibility to expand the list of eligible practitioners who may furnish clinically appropriate telehealth services. Similarly, HHS and CMS should maintain the authority to add or remove eligible telehealth services as supported by data and demonstrated to be safe, effective, and clinically appropriate through a predictable regulatory process that gives patients and providers transparency and clarity.
- 3. Ensure Federally Qualified Health Centers and Rural Health Clinics Can Furnish Telehealth Services after the PHE: FQHCs and RHCs provide critical services to underserved communities and have expanded telehealth services after restrictions were lifted under the CARES Act. Congress should ensure that FQHCs and RHCs can offer virtual services post-COVID and work with stakeholders to support fair and appropriate reimbursement for these key safety net providers.
- 4. Make Permanent HHS Temporary Waiver Authority During Emergencies: Congress has given HHS authority under Section 1135 of the Social Security Act to waive restrictions during the COVID-19 pandemic. However, the waiver authority is specific to this particular PHE. Congress should ensure HHS and CMS can act quickly during future pandemics and natural disasters.

We encourage you and your colleagues to consider legislation centered on these priorities before the public health emergency expires, which would end beneficiaries' access to virtual care. These priorities ensure HHS and CMS have the necessary authority to maintain oversight of telehealth services, guaranteeing access to safe, effective, and appropriate care while targeting clearly outdated statutory

restrictions that discriminate based on geography and patient location. Swift congressional action will provide a clear signal to patients, who are concerned about the future of their telehealth benefits, as well as providers and health systems, which are hesitant to make investments in critical healthcare infrastructure without certainty from policymakers.

We need your support in ensuring that seniors and providers do not go over the telehealth "cliff" — losing access to these critical services when they are still needed by so many. We look forward to working with you to build on the temporary reforms included in the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 and the Coronavirus Aid, Relief, and Economic Security (CARES) Act to ensure Medicare beneficiaries can continue to access care when and where they need it.

## Sincerely,

Adirondacks ACO

Advanced ICU Care, Inc.

Advanced Medical Technology Association (AdvaMed)

Adventist Health

Air Visits

Allergy & Asthma Network

Alliance for Aging Research

Alliance for Connected Care

Alliance of Community Health Plans

Allscripts

Alpha Medical

ALS Association

Altheia Predictive Health

Alzheimer's Foundation of America

AMD Global Telemedicine

Amen Clinics, Inc

America Pharmacists Association

American Academy of Allergy, Asthma & Immunology

American Academy of Ambulatory Care Nurses

American Academy of Audiology

American Academy of Family Physicians

American Academy of Hospice and Palliative Medicine

American Academy of Neurology

American Academy of PAs

American Association of Colleges of Nursing

American Association of Nurse Anesthetists

American Association of Nurse Practitioners

American Cancer Society Cancer Action Network

American Chiropractic Association (ACA)

American Clinical Neurophysiology Society

American College of Obstetricians and Gynecologists

American College of Physicians

American Consumer Institute Center for Citizen Research

American Diabetes Association

American Geriatrics Society

American Heart Association

American Lung Association

American Medical Rehabilitation Providers Association

American Nurses Association

American Occupational Therapy Association

American Organization for Nursing Leadership (AONL)

American Osteopathic Association

American Physical Therapy Association

American Psychoanalytic Association

American Psychological Association

American Society of Nephrology

American Society of Pediatric Nephrology

American Speech-Language-Hearing Association

American Teledentistry Association

American Telemedicine Association (ATA)

American Urological Association

Americans for Prosperity

America's Essential Hospitals

**AMGA** 

Amwell

Ascension

Association for Behavioral Health and Wellness

Association of Asian Pacific Community Health Organizations (AAPCHO)

Association of Departments of Family Medicine

Association of Diabetes Care & Education Specialists

Association of Family Medicine Residency Directors

Association of Oncology Social Work

Association of periOperative Registered Nurses

Association of Public Health Nurses

athenahealth

Avera Health

Beacon Medical Group, Inc.

**Better Medicare Alliance** 

Biofourmis, Inc.

**BioscienceLA** 

BJC HealthCare

Bright.md

California Association of Public Hospitals and Health Systems

California Health Information Association

California Health Information Services & Partnership Organization

California Primary Care Association

California Psychological Association

California Telehealth Policy Coalition

CaliforniaHealth+ Advocates

**Cancer Support Community** 

Caregility

CareSpan USA, Inc.

Center for a Free Economy

Center for Freedom and Prosperity

Center to Advance Palliative Care

Centering Healthcare Institute

Centerstone

Central Logic

Cerner

Change Healthcare

Chesapeake Urology Associates

CHI Franciscan

Children's Health Fund

Chimes International Inc

ChristianaCare

Clinical Informatics, Inc.

Coalition for Compassionate Care of California

Coalition For Headache And Migraine Patients (CHAMP)

Cohen Veterans Network

College of Healthcare Information Management Executives (CHIME)

College of Psychiatric and Neurologic Pharmacists (CPNP)

Columbia University Irving Medical Center

CommonWell Health Alliance

Compassion & Choices

Connected Home Living

Consumer Choice Center

Consumer Technology Association

Convenient Care Association

Cosan Group

CoverMyMeds

Curve Health

Cystic Fibrosis Foundation

DestinyWell

Devoted Health Inc.

Diabetes Patient Advocacy Coalition (DPAC)

Digital Medicine Society (DiMe)

Digital Therapeutics Alliance (DTA)

**Doctor On Demand** 

**Duke Health** 

eHealth Initiative

**EHR Association** 

emids

Encounter Telehealth, LLC

**Endocrine Society** 

**Envision Healthcare** 

**Epic Systems Corporation** 

**Epilepsy Foundation** 

EveryLife Foundation for Rare Diseases

ExamMed

**Excalibur Healthcare** 

Federation of American Hospitals

Fight Colorectal Cancer

Foothold Technology

Forefront Telecare, Inc.

Frederick Health

FreedomWorks

Friends of the National Institute of Nursing Research

Global Partnership for Telehealth, Inc.

GlobalMedia Group, LLC, DBA GlobalMed

GlyCare

GO2 Foundation for Lung Cancer

Google

**Grace Initiative Foundation Tree** 

**Grapevine Health** 

**Greenway Health** 

**HCA** Healthcare

Health Data & Management Solutions (An Aetna company)

Health Innovation Alliance

Healthcare Leadership Council

Heart Failure Society of America

HIAI-TOUCH (Telehealth Outreach for Unified Community Health) Non-profit

Hillrom

Hims & Hers Health, Inc.

HIMSS

HIMSS Central Pennsylvania Chapter

HIMSS Central/North Florida Chapter

HIMSS Delaware Valley Chapter

HIMSS Greater Illinois Chapter

HIMSS Indiana Chapter

HIMSS Kentucky Bluegrass Chapter

HIMSS Louisiana Chapter

**HIMSS Maryland Chapter** 

HIMSS Minnesota Chapter

HIMSS Montana Chapter

HIMSS Nebraska Chapter

HIMSS New England Chapter

HIMSS Northern California Chapter

HIMSS Oregon Chapter

HIMSS South Carolina Chapter

HIMSS Tennessee Chapter

HIMSS Washington Chapter

Hospice Palliative Nurses Association

**HSA** Coalition

**IHE USA** 

Immune Deficiency Foundation

IncludeHealth, Inc.

Indiana University Health

Indie Health

Infectious Diseases Society of America

Inovalon

InSight + Regroup

Intel Corporation

Intermountain Healthcare

International OCD Foundation

InTouch Health

K4Connect

Keck Medicine of USC

Lanai Community Health Center

LeadHealth

LeadingAge

Leidos

Leon Concierge Medicine

Less Government

Lewy Body Dementia Association

Life365

LifePoint Health

LifeWIRE Corp.

Lincare

LiveWell Alliance, Inc.

Livongo

Locumtenens.com

Marshfield Clinic Health System

Mass General Brigham

Massachusetts General Hospital

Medical Group Management Association

Medisante' Group

MedStar Health

MedWand Solutions, Inc.

Mend VIP, Inc.

Mental Health America

MiCare Path

Michigan Medicine

Muscular Dystrophy Association

MyndYou

NACBHDD and NARMH

National Association for Healthcare Quality

National Association for Home Care and Hospice

National Association of ACOs

National Association of Community Health Centers

National Association of Health Underwriters

National Association of Pediatric Nurse Practitioners

National Association of Rural Health Clinics

National Association of Social Workers

National Athletic Trainers' Association

National Council for Behavioral Health

National Council of State Boards of Nursing

National Diabetes Volunteer Leadership Council

National League for Nursing

National Nurse-Led Care Consortium

National Organization for Rare Disorders

National Partnership for Healthcare and Hospice Innovation (NPHI)

National Partnership for Women & Families

National Patient Advocate Foundation

National Psoriasis Foundation

National Taxpayers Union

Nemours Children's Health System

NextGen Healthcare

Nonin Medical

North American Primary Care Research Group

Northfield Hospital + Clinics

**OCHIN** 

Ochsner Health

Omron Healthcare Inc.

Oncology Nursing Society

Onduo LLC

One Medical

Optimize Health

Orion Behavioral Health Network

OrthoVirginia

Parent Project Muscular Dystrophy

Parkview Health

Partnership for AI, Telehealth & Robotics in Healthcare

PAs in Virtual Medicine and Telemedicine

Personal Connected Health Alliance

Physician Assistants in Hospice and Palliative Medicine

Pillsy Inc.

Pine Rest Christian Mental Health Services

Planted Recovery Inc

Point-of-Care Partners

Primary Care Collaborative

Primary Care Development Corporation

Providence St. Joseph Health

PursueCare

Qualtrics

Quio Technologies

Rebel Labs Inc.

Recovr Inc.

Reflexion Healthcare

ResMed, Inc.

ResolutionCare Network, LLC

Roman Health Ventures Inc.

**Royal Philips** 

**Rural Hospital Coalition** 

San Francisco Tech Council

Saunders Medical Center

Scripps Health

Shriners Hospitals for Children

Small Business & Entrepreneurship Council

**SOC Telemed** 

Society of Hospital Medicine

Society of Pediatric Nurses

Society of Teachers of Family Medicine

Spectrum Health

Spina Bifida Association

Stanford Health Care

Strategic Health Information Exchange Collaborative (SHIEC)

Strategic Interests, LLC

Summit Healthcare Regional Medical Center

Supportive Care Coalition

Sutter Health

SYNERGIA Integrated teleBehavioral Health, Inc.

**TapestryHealth** 

**Taxpayers Protection Alliance** 

Teladoc Health

TeleMed2U

Texas e-Health Alliance

Texas Health Information Management Association

The Center for Telehealth & eHealth Law

The Commons Project Foundation

The ERISA Industry Committee

The Gerontological Advanced Practice Nurses Association

The Headache and Migraine Policy Forum

The Jewish Federations of North America

The Johns Hopkins Health System

The Joint Commission

The Learning Corporation

The Michael J. Fox Foundation for Parkinson's Research

The University of Texas at Austin, UT Health Austin

Third Eye Health, Inc.

Tourette Association of America

Treatment Communities of America

Trinity Health

**TytoCare** 

**United Spinal Association** 

**United Urology** 

University of California Health

University of California, Davis Health

University of Hawaii System

University of Mississippi Medical Center

University of Pittsburgh Medical Center (UPMC)

University of Pittsburgh Medical Center, Pinnacle

Updox

**URAC** 

UsAgainstAlzheimer's

Validic, Inc.

Verato

VeruStat Inc.

Virtual Medical Group

VirtuSense Technologies LLC

ViTel Net

Vodafone

Washington State Society for Post-Acute and Long-Term Care Medicine

Welcome Home Health, Inc

Wellbox

Wisconsin Hospital Association

Wound Ostomy and Continence Nurses Society (WOCN®)

Yale New Haven Health System

Ziegler

Zipnosis

Zocdoc