

June 29, 2020

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

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

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

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.<sup>1</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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.

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

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

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

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

<sup>5</sup> <https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/telehealth-a-quarter-trillion-dollar-post-covid-19-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