

January 31, 2022

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

The Honorable Mitch McConnell  
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

## **RE: Establishing a Pathway for Comprehensive Telehealth Reform**

Dear Congressional Leaders:

Thank you for your leadership in expanding access to virtual care during the COVID-19 public health emergency (PHE). This access has been transformational – Americans now expect that the future of our health care system includes telehealth as a key way to access health care services. Health care providers across the nation have made substantial investments in new technologies to safely treat patients during the pandemic. Now, as we work to overcome the latest COVID-19 surge, providers and health systems are preparing to meet the health care demands of the future and need leadership from Congress in charting a path forward with respect to permanent comprehensive telehealth reform.

Many of the telehealth flexibilities that have helped dramatically improve patient access to care are temporary and limited to the duration of the COVID-19 PHE – and impact both public health programs and private health coverage. While the Biden Administration may elect to extend the COVID-19 PHE, the fact that the PHE determination must be renewed every 90 days and could end later this year has introduced significant uncertainty into all parts of the U.S. health care system. As it stands today, providers must weigh the costs of investing in the technological and clinical infrastructure required to maintain telehealth programs at scale against the possibility that Congress may ultimately decide not to support permanently expanded telehealth coverage.

To that end, we ask for your leadership in facilitating a pathway to comprehensive permanent telehealth reform that would provide certainty to beneficiaries and our nation's health care providers while providing sufficient time for Congress and the Administration to analyze the impact of telehealth on patient care. Specifically, we ask that Congress:

1. **Authorize the continuation of all current telehealth waivers through December 31, 2024.** Currently the HHS Secretary's waiver authority for telehealth expires immediately upon expiration of the PHE.<sup>1</sup> The Administration recognizes the negative impact of this uncertainty, as shown by CMS steps to finalize coverage and payment for codes added to the Medicare Telehealth Services List during the PHE through December 31, 2023.<sup>2</sup> However, CMS is not able to remove certain reimbursement restrictions, such as the pre-pandemic geographic and originating site restrictions, without Congressional authority. It is crucial for Congress to provide HHS with the authority and flexibility to continue to waive these and other statutory requirements, such as in-person requirements for telemental health consultations. It's also crucial that this continuation be broader than CMS and capture important provisions such as the prescribing of controlled substances via telemedicine that affect both federal programs and other health care as policymakers evaluate the evidence needed to support permanent policy.

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<sup>1</sup> Please note that current HHS telehealth authority derives from 2020 action by Congress as well as the Presidential Stafford Act declaration – both currently end with the PHE.

<sup>2</sup> <https://www.cms.gov/newsroom/fact-sheets/calendar-year-cy-2022-medicare-physician-fee-schedule-final-rule>

2. **Require HHS complete all feasible evaluations related to telehealth by fall 2023 and combine findings into a single overarching dashboard with recommendations to inform permanent telehealth legislation by Congress.** While the lack of telehealth data was once the challenge inhibiting policymaking, that is no longer the case. HHS is conducting and has funded many telehealth studies. For example, the Agency for Healthcare Research and Quality is examining key questions about how telehealth impacts care delivery and health outcomes and the HHS OIG is currently working on at least nine projects directly or tangentially examining telehealth services in Medicare and their impact on health care costs, quality, access, patient and provider experience, potential to address health disparities, and the nature and degree of any additional risk for fraud and abuse. An extension of telehealth flexibility will allow these findings to be aggregated, along with data from industry and findings from academic researchers, to provide a comprehensive analysis for review by policymakers in 2024.
3. **Take up permanent, evidence-based telehealth legislation for implementation in 2024.** Congress has the opportunity to bring the U.S. health care system into the 21<sup>st</sup> century and the responsibility to ensure that innovative delivery models implemented to fight COVID-19 are used to effectively modernize U.S. health care delivery. Telehealth has huge potential to expand access to high-quality virtual care for all Americans. Following the 2022-2023 evaluation period, all committees of jurisdiction will have at their disposal the necessary data to pursue evidence-based policymaking and take up comprehensive and permanent telehealth reform in a bipartisan manner. A primary benefit of delayed policymaking will be an opportunity for Congress to consider legislation without making assumptions not fully supported by data or evidence. Specifically, we look forward to HHS OIG completing its analyses prior to Congress establishing any new program integrity guardrails. For example, rather than prematurely placing harmful in-person visit requirements that restrict patient access on telehealth, Congress should be able to evaluate exactly what, if any, fraud, waste, and abuse has occurred during the pandemic and consult with the Administration on the best targeted tools to root out any challenges that may exist before and as they occur.

Virtual care is now a fundamental part of the U.S. health care system, and it will improve patient access to high-quality care well beyond the COVID-19 pandemic. And while many of the most compelling virtual care clinical use cases are only now emerging, more communities than ever have experienced the powerful impact telehealth has had in bridging gaps in care caused by the crisis-level mental health workforce shortage. Many underserved communities that historically have had limited access to specialty care can now beam in top specialists in neurology, oncology, neonatology, and other critical specialties to help save lives and treat critically ill patients.

Patient satisfaction surveys and claims data from CMS and private health plans demonstrate that many Americans have come to see telehealth as one of the most positive improvements to our nation's health care system in recent memory. Importantly, a majority of U.S. voters believe Congress should protect their ability and choice to see a provider via telehealth post-pandemic.<sup>3</sup> In the 21<sup>st</sup> Century, all patients should have the option to receive care virtually when clinically appropriate – Congress should not restrict CMS or other payers from covering appropriate modalities of care. ***Many of us previously wrote to share broad priorities for inclusion in any Medicare legislation, including the repeal of the blanket in-person requirements placed on behavioral health. In-person visit requirements serve as a blunt instrument to restrict access to health care and do not benefit patients or the Medicare program.***<sup>4</sup>

We believe the recommendations outlined above will provide significant relief to patients and providers concerned about Congress' intent and commitment to telehealth after the end of the COVID-19 PHE. We look forward to working with you to provide certainty to our nation's health care providers and, more importantly, ensure communities across the country can continue to access care when and where they need it.

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<sup>3</sup> <https://telehealthaccessforamerica.org/poll-voters-overwhelmingly-support-urgent-action-to-permanently-protect-access-to-telehealth/>

<sup>4</sup> <https://www.himss.org/news/himss-and-more-400-organizations-urge-congress-advance-permanent-telehealth-reform>

Sincerely,

8thSquare  
98point6  
Abella Medical Group  
Academy of Nutrition and Dietetics  
Adventist Health Policy Association  
Alignment Health Plan  
Allergy & Asthma Network  
Alliance for Connected Care  
Alliance of Community Health Plans  
Allscripts  
Alpha Medical, Inc  
Alpha-1 Foundation  
ALS Association  
Amazon  
AMDA – The Society for Post-Acute and Long-Term Care Medicine  
America's Essential Hospitals  
American Academy of Allergy, Asthma & Immunology  
American Academy of Home Care Medicine (AAHCM)  
American Academy of Hospice and Palliative Medicine  
American Academy of Neurology  
American Academy of PAs  
American Academy of Physical Medicine & Rehabilitation  
American Association for Psychoanalysis in Clinical Social Work  
American Association for Respiratory Care  
American Association for the Study of Liver Diseases  
American Association of Cardiovascular and Pulmonary Rehabilitation  
American Association of Nurse Practitioners  
American Cancer Society Cancer Action Network  
American Clinical Neurophysiology Society  
American College of Cardiology  
American College of Obstetricians and Gynecologists  
American Counseling Association  
American Foundation for Suicide Prevention  
American Health Care Association/National Center for Assisted Living (AHCA/NCAL)  
American Health Information Management Association  
American Heart Association  
American Medical Association  
American Medical Informatics Association  
American Medical Rehabilitation Providers Association (AMRPA)  
American Nurses Association  
American Occupational Therapy Association  
American Pharmacists Association  
American Physical Therapy Association  
American Psychiatric Association  
American Psychological Association  
American Society of Consultant Pharmacists  
American Society of Pediatric Nephrology  
American Speech-Language-Hearing Association  
American Telemedicine Association  
American Urological Association  
America's Physician Groups

AMGA  
Amwell  
ANA-Illinois  
AptiHealth, Inc.  
Array Behavioral Care  
Arthritis Foundation  
Ascension  
Assisted Recovery Centers of America  
Association for Behavioral Health and Wellness  
Association of American Medical Colleges  
Association of Community Cancer Centers  
Association of Diabetes Care & Education Specialists  
Association of Oncology Social Work  
ATA Action  
athenahealth, Inc.  
Avodahmed  
Babylon  
Baptist Health  
Behavior Change Institute, LLC  
Better Medicare Alliance  
Bicycle Health  
BJC HealthCare  
Brightline, Inc.  
Burn and Reconstructive Centers of America  
California Neurology Society  
Cancer Support Community  
Cancer Support Community Central Ohio  
Cancer Support Community Indiana  
Cancer Support Community Montana  
Care Centered LLC  
Care Compass Network  
CareHive Health Inc.  
Carestarter Technologies  
Catholic Health Association of the United States  
Center for Freedom and Prosperity  
Center for Telehealth, University of Mississippi Medical Center  
Centering Healthcare Institute  
Centerstone  
Centura Health  
CEO Action for Racial Equity  
Cerebral, Inc.  
Cerner  
CHAMP - Coalition for Headache and Migraine Patients  
Change Healthcare  
Child Neurology Foundation  
Children's Health of Orange County  
Children's Hospital New Orleans/LCMC Health  
Children's Hospital of Philadelphia  
Circle Medical  
Cleveland Clinic  
Clinical Social Work Association  
College of Healthcare Information Management Executives (CHIME)  
Colorado Hospital Association Broadband Services

Columbia University Irving Medical Center  
CommonSpirit Health  
Compassion & Choices  
Concept Rehab, Inc.  
Conference of Boston Teaching Hospitals  
Connect America  
Connected Health Initiative  
Conquering CHD  
Consumer Technology Association  
Continuum Therapy Partners LLC  
Convenient Care Association  
CopilotIQ Health  
Curation Health  
Curve Health  
Cystic Fibrosis Foundation  
Dermatologist On Call  
DermDox Dermatology Centers, LLC  
DigitalOptometrics LLC  
Dogtown Media  
Duke Health  
Eating Disorders Coalition for Research, Policy & Action  
EHNAC  
Eleanor Health  
Electronic Health Record Association (EHRA)  
Embodied Labs  
EncompassCare  
Encounter Telehealth  
Endocrine Society  
Epic  
eVisit, Inc.  
Executives for Health Innovation  
Faith Regional Health Services  
Federation of American Hospitals  
Fight Colorectal Cancer  
FirstVitals Health and Wellness Inc  
Flagship Rehabilitation  
Geisinger Health  
Gilda's Club Kansas City  
Gilda's Club South Florida  
GO2 Foundation for Lung Cancer  
Go2Care  
Good Samaritan Hospital  
Google  
Greenway Health  
Hawaii Health Information Exchange  
Hazel Inc.  
HCU Network America  
HD Reach  
Health Innovation Alliance  
Health Recovery Solutions  
Healthcare Leadership Council  
HealthFlow LLC  
Heart Failure Society of America

Henry County Medical Center  
Henry Ford Health System  
Hicuity Health  
HIMSS  
HIMSS, Colorado Chapter  
HIMSS, Indiana Chapter  
HIMSS, MN Chapter  
HIMSS, National Capital Area  
HIMSS, NYS Chapter  
HIMSS, Southern California Chapter  
Hinge Health  
Home Centered Care Institute  
HSA Coalition  
Hudson Headwaters Health Network  
Illinois Society for Advanced Practice Nursing  
Immune Deficiency Foundation  
Included Health (Doctor On Demand + Grand Rounds)  
Indiana Neurological Society  
Indiana University Health  
Indo US Organization for Rare Diseases  
Infectious Diseases Society of America  
Inovalon, Inc.  
Intel Corporation  
International Foundation for Autoimmune & Autoinflammatory Arthritis (AiArthritis)  
International OCD Foundation  
Iowa Neurological Association  
Jeeva Informatics Solutions Inc.  
Johns Hopkins University & Medicine  
LeadingAge and its Center for Aging Services Technologies (CAST)  
Legacy Healthcare Services  
Let's Talk Interactive, Inc.  
LGBT Technology Partnership & Institute  
LifePoint Health  
LifeWIRE Corp  
LiV-Connected  
Maine Neurological Society  
Maine Primary Care Association  
Marshfield Clinic Health System  
Mary Free Bed Rehabilitation  
Mass General Brigham  
Massachusetts Neurologic Association  
Mayo Clinic  
Medical Group Management Association  
Medical University of South Carolina  
MediGuru  
Medstar Health  
Memorial Sloan Kettering  
Mental Health America  
Michigan Neurological Association  
Minnesota Medical Association  
Moffitt Cancer Center  
Monebo Technologies, Inc.  
Monument Health

Munson Healthcare  
Muscular Dystrophy Association  
National Association for the Support of Long Term Care (NASL)  
National Association of Community Health Centers  
National Association of Nutrition and Aging Services Programs (NANASP)  
National Association of Pediatric Nurse Practitioners  
National Association of Social Workers  
National Center on Domestic Violence, Trauma, and Mental Health  
National Council of State Boards of Nursing  
National Hospice and Palliative Care Organization  
National League for Nursing  
National Mental Health  
National Multiple Sclerosis Society  
National Organization for Rare Disorders  
National PACE Association  
National Patient Advocate Foundation  
Nebraska Medicine  
Nebraska Neurological Society  
Nemours Children's Health  
Net Health Systems, Inc.  
New Jersey Association of Mental Health and Addiction Agencies, Inc.  
New York State Neurological Society  
NextGen Healthcare  
Nixon Gwilt Law  
North Carolina Neurological Society  
Northern Arizona Healthcare  
Northwell Health  
Novant Health  
OCHIN  
OncoHealth  
One Medical  
Ophelia  
Opsis  
Origin Healthcare  
Orion Health  
Panda Health  
Partnership to Advance Virtual Care  
Patient Experience Policy Forum of The Beryl Institute  
Pediatric Endocrine Society  
Pediatric Physicians' Organization at Children's  
Pelorus Elder & Behavioral Health  
Penn State Health  
Pennsylvania Neurological Society  
Personal Connected Health Alliance  
Point-of-Care Partners  
Population Health Analytics Association Incorporated  
Populus Media, Inc.  
Prism Health North Texas  
Professional Medical Concierge Services, PLLC  
PursueCare  
QuickVisit UC and QuickVisit NOW  
Rady Children's Hospital San Diego  
Real Time Touch

REDC Consortium  
Reiki Counseling Services, PLLC  
Remedy Telehealth  
Restore Therapy Services  
Rhode Island Neurological Society  
Ro  
SCL Health  
Small Business & Entrepreneurship Council  
Society of General Internal Medicine  
Society of Interventional Radiology  
Southcoast Health  
SSM Health  
Stanford Children's Health  
Stanford Health Care  
Summit Healthcare Association  
Susan G. Komen  
SYNERGIA Integrated TeleBehavioral Health  
Talkspace  
TapestryHealth  
TECHMEDO  
Teladoc Health  
Telehealth Alliance of Oregon  
Texas Health Resources  
Texas Neurological Society  
The AIDS Institute  
The American Board of Family Medicine Foundation's Center for Professionalism & Value in Health Care  
The ERISA Industry Committee  
The Global Telemedicine Group  
The Headache and Migraine Policy Forum  
The Jewish Federations of North America  
The John A. Hartford Foundation  
The Medical Alley Association  
The Michael J. Fox Foundation for Parkinson's Research  
The National Association of Rehabilitation Providers and Agencies  
The Partnership for a Connected Illinois, Inc.  
The University of Kansas Health System  
The US Oncology Network  
Therapy Zone Incorporated  
Third Eye Health  
Tourette Association of America  
Travere Therapeutics  
Trinity Rehab Services  
U.S. Pain Foundation  
University ENT Care  
University of California Health  
University of Colorado Health  
University of Maryland Medical System  
University of Michigan Health  
University of New Mexico Hospital, Patient + Family Advisory Committee  
University of Pittsburgh Medical Center (UPMC)  
URAC  
UW Health: University of Wisconsin Hospitals and Clinics  
Valley Community Services Board



Vault Medical Services, PA  
Verato  
Virta Health  
Virtual Medical Services  
Virtual Medical Staff, LLC  
Vital Voice and Speech LLC  
ViTel Net  
VoCare, Inc.  
Walden University  
Walk-in Dermatology  
Walmart  
WaloMed  
Washington State Neurological Society  
Wisconsin Neurological Society (WNS)  
WISE Healthcare Inc  
Wysa  
Zane Networks LLC.  
Zipnosis  
Zocdoc  
Zoom Videoconferencing