

July 26, 2021

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

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

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

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

## RE: Priorities for Medicare Telehealth Reform

Dear Congressional Leaders:

Thank you for your leadership in expanding access to telehealth during the COVID-19 public health emergency (PHE). Driven by swift action from Congress, the flexibilities enabled under the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 and the Coronavirus Aid, Relief, and Economic Security (CARES) Act have allowed clinicians across the country to scale delivery and provide all Americans -- many for the first time -- access to high-quality virtual care. In response, health care organizations across the nation have dramatically transformed and made significant investments in new technologies and care delivery models, not only to meet COVID driven patient demand, but to prepare for America's future health care needs.

Unfortunately, this progress is in jeopardy. Many of the telehealth flexibilities are temporary and limited to the duration of the COVID-19 public health emergency. Without action from Congress, Medicare beneficiaries will abruptly lose access to nearly all recently expanded coverage of telehealth when the COVID-19 PHE ends. This would have a chilling effect on access to care across the entire U.S. health care system, including on patients that have established relationships with providers virtually, with potentially dire consequences for their health.

Telehealth is not a COVID-19 novelty, and the regulatory flexibilities granted by Congress must not be viewed solely as pandemic response measures. Patient satisfaction surveys and claims data from CMS and private health plans tell a compelling story of the large-scale transformation of our nation's health care system over the past year and, importantly, demonstrate strong patient interest and demand for telehealth access post-pandemic:

- **Telehealth is ubiquitous** with more than 1 in 4 (15 million) of all Medicare beneficiaries accessing telehealth between the summer and fall of 2020.<sup>1</sup> Telehealth represented 0.22 percent of all medical claims for private health plans in December 2019, rising to 6.51 percent by December 2020. <sup>2</sup> In response, private payers are moving to expand telehealth post-pandemic<sup>3</sup> and meet new expectations from employers and plan members.<sup>4</sup>
- **Telehealth is popular** with MedPAC noting that 91% of Medicare beneficiaries were satisfied with their telehealth video visits in its March 2021 report to Congress.<sup>5</sup> Patient satisfaction with telehealth across

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<sup>1</sup> <https://www.kff.org/medicare/issue-brief/medicare-and-telehealth-coverage-and-use-during-the-covid-19-pandemic-and-options-for-the-future/>

<sup>2</sup> <https://www.prnewswire.com/news-releases/telehealth-claim-lines-increase-2-817-percent-nationally-when-comparing-december-2019-to-december-2020--301241089.html>

<sup>3</sup> <https://www.ahip.org/using-telehealth-to-deliver-affordable-high-quality-care/>

<sup>4</sup> <https://catalyst.nejm.org/doi/full/10.1056/CAT.21.0031>

<sup>5</sup> [http://medpac.gov/docs/default-source/reports/mar21\\_medpac\\_report\\_to\\_the\\_congress\\_sec.pdf](http://medpac.gov/docs/default-source/reports/mar21_medpac_report_to_the_congress_sec.pdf)

specialties and programs was high pre-pandemic<sup>6</sup> and has remained so during COVID-19.<sup>7</sup> 75 percent of Americans now report having a strong interest in using telehealth moving forward.<sup>8</sup>

- **Telehealth is efficient** with no-show rates for telehealth visits (7.5%) during the COVID-19 pandemic lower than both the no-show rates for in-office visits (36.1%) and a pre-pandemic in-office no-show rate (29.8%).<sup>9</sup> Providers and health systems continue to report on the significant and positive impact virtual care has had on operational efficiencies.<sup>10</sup>
- **Telehealth can help address existing health disparities** and during the pandemic GAO found that the proportion of beneficiaries utilizing telehealth was relatively equal across racial and ethnic groups.<sup>11</sup> While investment is needed to address the digital divide – including broadband and funding for end user devices – researchers found significant value in leveraging telephone visits in extending access to underserved populations and enhancing FQHCs abilities to meet patient needs.<sup>12</sup> Before COVID-19, telehealth was seen as an important tool to deliver care to patients that had challenges with transportation, balancing responsibilities with hourly and seasonal jobs, accessing culturally sensitive providers, and – for the 46 million Americans in rural areas – traveling extreme distances to specialty and emergency care.<sup>13</sup>

With so many patients accessing care virtually, expectations for the future of our health care system have shifted significantly. Virtual care has provided unprecedented access for patients, but uncertainty as to the future of many telehealth policies will halt or reverse further adoption – to the detriment of both patients and providers. Congress not only has the opportunity to bring the U.S. health care system into the 21st century, but the responsibility to ensure that the billions in taxpayer funded COVID investments made during the pandemic are not simply wasted but used to accelerate the transformation of care delivery, ensuring access to high quality virtual care for all Americans.

Given the statutory restrictions in Section 1834(m) of the Social Security Act, Congress must act to ensure that the Secretary has the tools to transition following the end of the public health emergency and ensure telehealth is regulated the same as in-person services. Secretary Becerra has recently asked for such authority,<sup>14</sup> and we urge bipartisan action toward this goal.

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

1. **Remove Obsolete Restrictions on the Location of the Patient and Provider.** Congress must permanently remove the Section 1834(m) geographic and originating site restrictions to ensure that all patients can access care where they are. The response to COVID-19 has shown the importance of making telehealth services available in rural and urban areas alike. To bring clarity and provide certainty to patients and providers, we strongly urge Congress to address these restrictions in statute by striking the geographic limitation on originating sites and allow beneficiaries across the country to receive virtual care in their homes, or the location of their choosing, where clinically appropriate and with appropriate beneficiary protections and guardrails in place.
2. **Maintain and Enhance HHS Authority to Determine Appropriate Providers, Services, and Modalities 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, Congress

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<sup>6</sup> <https://pubmed.ncbi.nlm.nih.gov/26269131/>

<sup>7</sup> <https://c19hcc.org/telehealth/patient-survey-analysis/>

<sup>8</sup> <https://c19hcc.org/telehealth/patient-survey-analysis/>

<sup>9</sup> <https://www.liebertpub.com/doi/10.1089/tmj.2021.0002>

<sup>10</sup> <https://www.ama-assn.org/system/files/2021-05/ama-return-on-health-report-may-2021.pdf>

<sup>11</sup> <https://www.finance.senate.gov/imo/media/doc/Jessica%20Farb%20GAO%20Testimony.pdf>

<sup>12</sup> <https://jamanetwork.com/journals/jama/fullarticle/2776166>

<sup>13</sup> <https://www.cdc.gov/ruralhealth/about.html>

<sup>14</sup> <https://www.c-span.org/video/?c4966006/user-clip-sec-becerra-telehealth>

should ensure that HHS and CMS 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. Finally, Congress should give CMS the authority to reimburse for multiple telehealth modalities, including audio-only services, when clinically appropriate.

3. **Ensure Federally Qualified Health Centers, Critical Access Hospitals, and Rural Health Clinics Can Furnish Telehealth Services After the PHE.** FQHCs, CAHs, and RHCs provide critical services to underserved communities and have expanded telehealth services after restrictions were lifted under the CARES Act and through executive actions. Congress should ensure that FQHCs, CAHs, and RHCs can offer virtual services post-COVID and work with stakeholders to support fair and appropriate reimbursement for these key safety net providers and better equip our health care system to address health disparities.
4. **Remove Restrictions on Medicare Beneficiary Access to Mental and Behavioral Health Services Offered Through Telehealth.** Without Congressional action, a new requirement for an in-person visit prior to access to mental health services through telehealth will go into effect for most Medicare beneficiaries. We urge Congress to reject arbitrary restrictions that would require an in-person visit prior to a telehealth visit. Not only is there no clinical evidence to support these requirements, but they also exacerbate clinician shortages and worsen health inequities by restricting access for those individuals with barriers preventing them from traveling to in-person care.<sup>15</sup> Removing geographic and originating site restrictions only to replace them with in-person restrictions is short-sighted and will create additional barriers to care.

We look forward to working with you to build on the temporary telehealth expansion enacted in the Coronavirus Preparedness and Response Supplemental Appropriations Act and the CARES Act to provide certainty to our nation's health care providers and, more importantly, ensure Medicare beneficiaries can continue to access care when and where they need it. Congress must act before the PHE expires or providers and patients will lose access to high-quality virtual care.

Sincerely,

7wireVentures  
Academy of Nutrition and Dietetics  
Access Physicians  
Activate Care  
AdvaMed  
Adventist Health  
Adventist Health Policy Association  
agilon health  
Air MD physician Group  
Air Visits  
Alameda Health System  
Allergy & Asthma Network  
Alliance for Aging Research  
Alliance for Connected Care  
Alliance of Community Health Plans  
Alliance of Health Care Sharing Ministries  
Allina Health  
Allscripts

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<sup>15</sup> <https://www.americantelemed.org/wp-content/uploads/2021/06/ATA-Overview-of-In-Person-Requirements-1.pdf>

Alpha Medical, Inc  
Amazon  
American Academy of Allergy, Asthma & Immunology  
American Academy of Family Physicians  
American Academy of Hospice and Palliative Medicine  
American Academy of Neurology  
American Academy of PAs  
American Academy of Sleep Medicine  
American Association for Respiratory Care  
American Association of Colleges of Nursing  
American Association of Orthopaedic Surgeons  
American Board of Telehealth  
American Cancer Society Cancer Action Network  
American College of Allergy, Asthma & Immunology  
American College of Obstetricians and Gynecologists  
American College of Physicians  
American Diabetes Association  
American Foundation for Suicide Prevention  
American Gastroenterological Association  
American Geriatrics Society  
American Health Care Association/National Center for Assisted Living  
American Health Information Management Association  
American Heart Association  
American Lung Association  
American Medical Association  
American Medical Group Association  
American Medical Rehabilitation Providers Association (AMRPA)  
American Nurses Association  
American Occupational Therapy Association  
American Pharmacists Association  
American Physical Therapy Association  
American Podiatric Medical Association  
American Psychiatric Association  
American Psychoanalytic Association  
American Society for Gastrointestinal Endoscopy  
American Society of Nephrology  
American Telemedicine Association  
American Urological Association  
Americans for Prosperity  
America's Essential Hospitals  
America's Physician Groups  
Amwell  
And Me Therapy  
Array Behavioral Care  
Arthritis Northwest, PLLC  
Ascellus Health  
Ascension  
Association for Behavioral Health and Wellness  
Association of American Cancer Institutes  
Association of American Medical Colleges  
Association of Asian Pacific Community Health Organizations (AAPCHO)  
Association of Black Cardiologists  
Association of Community Cancer Centers (ACCC)

Association of Departments of Family Medicine  
Association of Diabetes Care & Education Specialists  
Association of Family Medicine Residency Directors  
Association of Oncology Social Work  
athenahealth  
Avel eCARE  
Aventyn, Inc.  
Avera Health  
Babylon  
BAKERS Counseling Services LLC  
Banner|Aetna  
Barstow Community Hospital  
Bay Rivers Telehealth Alliance  
Beacon Health System  
Better Medicare Alliance  
Bioscience Los Angeles County Inc.  
BJC HealthCare  
Blackstone Valley Community Health Care, Inc.  
Blue Cirrus Consulting  
Brave Health  
Bright.md  
Bronson Healthcare Group  
Burn and Reconstructive Centers of America  
California Primary Care Association  
Cancer Support Community  
Capstone Care Network  
Care Manager On Demand  
Care on Location  
Care Transformation Collaborative of RI  
CareSpan Integrated Networks, Inc.  
Cass Health  
Catholic Health Association of the United States  
Center for Dignity in Healthcare for People with Disabilities  
Center for Freedom and Prosperity  
Center for Rural Health Innovation  
Center for Telehealth, University of Mississippi Medical Center  
Center to Advance Palliative Care (CAPC)  
Centerstone  
Centura Health  
CEO Action for Racial Equity  
Challenge Behavioral Healthcare  
Change Healthcare  
Cheyenne Regional Medical Center  
Children's Health Fund  
Children's National Hospital  
ChristianaCare  
CirrusMD Inc.  
CityLife Health, LLC  
Cleveland Clinic Florida and CompreCare Affiliate  
Clinical Social Work Association  
CMG/Carealytics  
Coalition for Compassionate Care of California  
Coalition for Headache and Migraine Patients

Colorado Community Health Network  
Columbia University Irving Medical Center  
CommonSpirit Health  
Commonwealth Clinical Group, Inc.  
CommonWell Health Alliance  
Community Behavioral Healthcare Association of IL  
Compassion & Choices  
Compodium, Inc  
Comprehensive Psychiatry Group, Inc  
Conemaugh Meyersdale Medical Center  
Connected Health Initiative  
Connected Home Living, Inc.  
Consumer Action  
Consumer Choice Center  
Consumer Technology Association  
Convenient Care Association  
Cromford Health  
Curve Health  
Dartmouth-Hitchcock Health  
DayaMed  
Diabetes & Endocrinology Consultants of PA, LLC  
Digital Medicine Society (DiMe)  
Digital Therapeutics Alliance  
DigitalOptometrics LLC  
Dignio LLC / AS  
Doc Leon Travel & Concierge Medicine  
Doctor On Demand  
DoseCue, LLC  
Duke Health  
Eating Disorders Coalition for Research, Policy & Action  
eHealth Initiative  
Eleanor Health  
Electronic Health Record Association  
Electronic Healthcare Network Accreditation Commission (EHNAC)  
Ellis County Coalition for Health Options DBA Hope Clinic  
Emory University  
Encounter Telehealth  
Endocrine Society  
Envision Healthcare  
Epic Systems Corporation  
Epilepsy Foundation  
eVisit, Inc.  
ExamMed  
Family & Children's Counseling Services  
Family & Children's Service of Ithaca  
Federation of American Hospitals  
Fight Colorectal Cancer  
Firstvitals Health and Wellness  
Foothold Technology  
Forefront Telecare, Inc.  
Fresenius Medical Care North America  
Galileo Analytics  
Global Liver Institute

GlobalMedia Group, LLC DBA GlobalMed(R)  
GlyCare  
GO2 Foundation for Lung Cancer  
Go2Care  
Google  
Grapevine Health  
Greenway Health  
Gundersen Health System  
Hawai'i Parkinson Association  
Hazel Health  
Hazlewood Medical LLC  
HCA Healthcare  
HCU Network America  
HD Reach  
Health Business Consult  
Health Care Transformation Task Force  
Health Choice Arizona  
Health Innovation Alliance  
Health Tech Strategies, Inc  
Healthcare Leadership Council  
HEALTHePRACTICES  
Healthwise, Incorporated  
HealthyWomen  
Heart Failure Society of America  
Henry Ford Health System  
Heritage Provider Network  
Hicuity Health, Inc.  
Hillrom  
Hims & Hers  
HIMSS  
HIMSS Central & North Florida Chapter  
HIMSS Greater Illinois Chapter  
HIMSS Iowa Chapter  
HIMSS KY Bluegrass  
HIMSS Minnesota Chapter  
HIMSS National Capital Area  
HIMSS NYS Chapter  
HIMSS South Carolina Chapter  
HIMSS Southern California Chapter  
HiTalk  
HMRCOUNSELING and Behavioral services  
Hospice and Palliative Nurses Association  
HSA Coalition  
ICmed, LLC  
IHE USA  
Indiana Oncology Society  
Indiana University Health  
Indo Us Organization for Rare Diseases  
Infectious Diseases Society of America  
Ingham Community Health Centers  
innovaTel Telepsychiatry  
Institute of Respiratory Disease and Sleep Medicine  
International Foundation for Autoimmune & Autoinflammatory Arthritis (AiArthritis)

International OCD Foundation  
Iowa Oncology Society  
Iron Bow Technologies  
IT Consulting Group LLC  
IthacaMed  
Jeeva Informatics Solutions LLC  
Johns Hopkins Medicine  
Joyages  
JR & Associates  
Kaiser Permanente  
Kentucky Counseling Center, LLC  
Kohnlinq, Inc.  
Leadership OD  
Legal Action Center  
Less Government  
Lewy Body Dementia Association  
LifePoint Health  
LifeWIRE Corp  
LiV-Connected  
LT Telehealth/LocumTenens.com  
Lupus and Allied Diseases Association, Inc.  
Mardac Consulting  
Marshfield Clinic Health System  
Mass General Brigham  
Massachusetts Health Data Consortium  
Mayo Clinic  
MDH Consulting International  
Medical Group Management Association  
Medical Image Perception Society  
Medocity, Inc.  
MedStar Health  
MedWand Solutions Inc.  
Memorial Sloan Kettering  
Mend VIP, Inc.  
Mental Health America  
Michigan Health & Hospital Association  
Michigan Health Information Network  
Midwest Health Connection  
Miles for Migraine  
Millennium Physician Group  
Missouri Oncology Society  
Moffitt Cancer Center  
Monebo Technologies, Inc.  
Montana State Oncology Society  
Monument Inc  
Moonshot Health Consulting  
Mosaica Partners  
Motivo  
MPAC Healthcare  
Multiple Sclerosis Center of Atlanta  
NACBHDD and NARMH  
National Association for Healthcare Quality  
National Association for the Support of Long Term Care (NASL)



National Association of Community Health Centers  
National Association of Pediatric Nurse Practitioners  
National Association of Rural Health Clinics  
National Association of Social Workers  
National Athletic Trainers' Association  
National Brain Tumor Society  
National Coalition for Hospice and Palliative Care  
National Council for Mental Wellbeing  
National Council of State Boards of Nursing  
National Health Care for the Homeless Council  
National League for Nursing  
National Mental Health LLC  
National Multiple Sclerosis Society  
National Nurse-Led Care Consortium  
National Organization for Rare Disorders  
National Patient Advocate Foundation  
National Psoriasis Foundation  
Nebraska Medicine  
Nemours Children's Health  
NeuroPath  
New Jersey Association of Mental Health and Addiction Agencies, Inc.  
New Mexico Society of Clinical Oncology  
NextGate  
NextGen Healthcare  
Nicklaus Children's Health System  
North American Primary Care Research Group  
Northwell Health  
OCHIN  
Oncology Nursing Society  
Onduo LLC  
One Medical  
Orion Behavioral Health Network  
Oshi Health, Inc.  
PACE Southeast Michigan  
Partnership to Advance Virtual Care  
PAs in Virtual Medicine and Telemedicine (PAVMT)  
PCHAlliance  
Peaceful Roots Counseling LLC  
Physician Assistants in Hospice and Palliative Medicine  
Population Health Alliance  
Premier  
Preventive Cardiovascular Nurses Association  
Primary Care Collaborative  
Primary Care Development Corporation  
Prism Health North Texas  
ProMedica  
PSYCHeANALYTICS, Inc.  
Psychiatric Medical Care  
PursueCare  
QuartetHealth  
Qure4u, Inc  
Real Time Touch  
REDC Consortium

Regional Center for Border Health, Inc./SLWIC (RHC)  
ResMed  
ResolutionCare, a Vynca company  
Rising Lotus Healing LLC  
Rural Hospital Coalition  
Salusive, Inc. dba mynurse.ai  
SanctiPHI Tech Inc  
Sano Health, LLC  
SCL Health  
Scripps Health  
SENTARA Healthcare  
Setauket Primary Medical Care  
Seven Valleys Health Coalition  
SHIELDS for Families, Inc.  
Skypiatrist Psychiatry PLLC  
Small Business & Entrepreneurship Council  
SOC Telemed  
Society for Participatory Medicine  
Society of General Internal Medicine  
Society of Hospital Medicine  
Society of Teachers of Family Medicine  
South Central Human Relations Center, Inc.  
Speck  
Spina Bifida Association  
St. Mary's Medical Center, a member of Mountain Health Network  
Stanford Children's Health  
Stanford Health Care  
Steuben County Public Health  
Strategic Health Information Exchange Collaborative (SHIEC)  
Strategic Integration Solutions, Ltd.  
Summit Healthcare Association  
Summit Healthcare Regional Medical Center  
Synecor, LLC  
TapestryHealth  
Teladoc Health  
Telehealth Alliance of Oregon  
Telekids Therapy  
TeleMed2U  
Telemedicols LLC  
TeleMedik  
Texas e-Health Alliance  
The Arizona Clinical Oncology Society  
The Center for Discovery  
The Center for Youth & Family Solutions  
The Children's Home of Wyoming Conference  
The College of Healthcare Information Management Executives (CHIME)  
The ERISA Industry Committee  
The Headache and Migraine Policy Forum  
The Jewish Federations of North America  
The Joint Commission  
The Michael J. Fox Foundation for Parkinson's Research  
The University of Texas at Austin, UT Health Austin  
Third Eye Health, Inc.

Tir Health Advisors LLC  
Tompkins Community Action, Inc.  
Tourette Association of America  
Travere Therapeutics  
Trinity Health  
TW Ponessa & Associates Counseling Services, Inc.  
U.S. Pain Foundation  
UBHS INC  
UCHealth  
Umedex inc  
United Urology  
UnityPoint Health  
University ENT Care, LLC  
University of Colorado School of Medicine  
University of Michigan Health  
University of New Mexico College of Nursing  
University of Pittsburgh Medical Center (UPMC)  
University of Wisconsin Hospitals and Clinics  
Upward Health  
URAC  
UVA Health  
Velatura HIE Corporation  
Velatura Services  
VIKRITI Management Consulting  
Virginia Association of Hematologist & Oncologist  
Virginia Pediatric Group  
Vital Voice and Speech LLC  
ViTel Net  
VoCare, Inc.  
Volunteers of America of North Louisiana  
Vynca, Inc.  
WhiplashMD, LLC  
Wisconsin Association of Hematology & Oncology  
Wyoming State Oncology Society  
X4 Health  
XEN Partners  
Yale New Haven Health System  
Ziegler  
Zipnosis  
Zocdoc  
Zoom Videoconferencing