January 25, 2021

The Honorable Shane Lindauer
Indiana House of Representatives
200 W. Washington Street
Indianapolis, IN 46204

RE: ATA SUPPORT OF HB 1286

Dear Representative Lindauer,

The American Telemedicine Association (ATA) applauds you and the Indiana legislature for actively working to advance telehealth legislation. On behalf of the ATA, and the over 400 members we represent, I am writing in support of House Bill 1286. We also respectfully submit policy considerations which we hope the Legislature will amend the bill to reflect.

The ATA, the only organization completely focused on advancing telehealth, is committed to ensuring that everyone has access to safe, affordable, and appropriate care when and where they need it, enabling the system to do more good for more people. The ATA represents a broad and inclusive network of technology solution providers, delivery systems and payers, as well as partner organizations and alliances, working together to advance adoption of telehealth, promote responsible policy, advocate for government and market normalization, and provide education and resources to help integrate virtual care into emerging value-based delivery models.

The ATA supports the removal of any restrictions on originating and distant site for the rendering of care provided to a Medicaid recipient in Section 2 of the bill. As the federal government continues to revise their own rules to expand access for individuals covered by federal government programs, it is crucial that states do not arbitrarily limit how patients can receive care. This language makes it clear that, subject to federal law, healthcare services can be delivered via telehealth in a way that is best-situated for both patient and practitioner.

The ATA strongly supports how the bill amends IC 25-1-9.5-6 (Sec. 13) to make clear that any technology that meets the standard of care is appropriate for the delivery of healthcare services. These changes are necessary to empower providers to use their clinical judgment to determine the appropriate telehealth modality to uphold the standard of care and serve the best interest of Indiana patients. Across the country, providers are increasingly relying on asynchronous (or “store and forward”) telehealth technologies to establish patient relationships, perform patient evaluations, and appropriately prescribe medication in many fields. Asynchronous (or “store and forward”) technologies are critical to the industry as they are used to quickly and conveniently transmit a patient’s health data, vital signs, digital diagnostic images, and other physiologic data.
ATA supports state telehealth policy that does not arbitrarily discriminate against or favor any particular technology modality for the care of patients. State telehealth policy should encourage technological innovation.

Specifically, ATA recommends amending Section 14 to eliminate references to “internet questionnaire” and “internet consultation.” These undefined terms create unnecessary uncertainty about using otherwise appropriate telehealth technologies. Indeed, the bill clearly contemplates telehealth medical consultations conducted using the internet and asking patients questions about as part of a medical interview. Removing the phrases of “internet consultation” or “internet questionnaire” from Section 14 would bring consistency to the telehealth standards, without affecting the existing protections that ensure patient safety.

In addition, providers across the country are increasingly relying on remote patient monitoring technologies to push care out of the hospital, clinic or doctor’s office and into the home, where providers can continually monitor, collect and analyze a patient’s physiologic data to create a care management plan for patients, especially useful for those with chronic conditions.

As the bill continues to move through the legislative process, the ATA encourages the Legislature to amend the remainder of the codified definitions of telehealth - including the creation of a bona fide practitioner-patient relationship - to reflect the technology-neutral language found in Section 13 of this bill. By allowing practitioners to use the standard of care to determine which delivery modality is appropriate for each unique patient presentation, Indianans will be able to access truly patient-centered health care in a convenient, efficient, and efficacious manner.

Again, we thank you for your interest in and support for telehealth. We strongly urge the Indiana legislature to pass House Bill 1286 and encourage it to make similar technology-neutral language amendments. Especially during a global pandemic, it is critical that we do not codify policies that will make it more difficult for Indiana residents to access care from the safety of their homes.

Please do not hesitate to let us know how we can be helpful to your efforts to advance common sense telehealth policy in Indiana. If you have any questions or would like to further discuss the telehealth industry’s perspective, please contact kzebley@americantelemed.org.

Kind regards,

Kyle Zebley
Public Policy Director
American Telemedicine Association