



March 8, 2021

The Honorable Julia Ratti
Chairwoman, Nevada Senate Health and Human Services Committee
Nevada State Senate
401 S Carson St.
Carson City, NV 89701

The Honorable Pat Spearman
Vice-Chairwoman, Nevada Senate Health and Human Services Committee
Nevada State Senate
401 S Carson St.
Carson City, NV 89701

RE: ATA AMENDMENTS TO LANGUAGE PROPOSED IN SENATE BILL 5

Madame Chair Ratti and Madame Vice-Chair Spearman:

On behalf of the American Telemedicine Association (ATA) and the over 400 organizations we represent, I am writing you to support and suggest amendments to Senate Bill 5.

The ATA is the only national organization whose mission revolves solely around the advancement of telehealth. Our utmost priority is ensuring that Americans have the ability to receive affordable, high-quality health care whenever and wherever they need it. The expansion of telehealth infrastructure around the country eases strain on the overburdened health care system, enabling it to provide care for millions more patients every year in an efficient and effective manner. The ATA represents a diverse and expansive coalition of technology solution providers and payers, as well as partner organizations and alliances, working together to promote the implementation of telehealth across the country, endorse responsible telehealth policy, encourage government and market normalization, and deliver education and resources designed to further the integration of virtual care through the use of various innovative technologies.

The ATA applauds the legislature's efforts to expand Nevadans' access to quality health care and improve on an already progressive telehealth policy. In mandating that public and private health plans reimburse providers for health care services delivered via telehealth, the bill makes it easier for Nevada residents to access high-quality health care at any place and any time without having to worry about the potential financial burdens associated with receiving that care.

As far as the rate of reimbursement for telehealth services is concerned, the ATA maintains that state policymakers should set rational guidelines that are both fair to the provider of such services and reflect the cost savings offered to the health care system by the effective use of telemedicine technologies. The ATA suggests that the provisions in this legislation regarding reimbursement parity be amended to reflect those guidelines.



While we support language in the bill that would mandate coverage parity for Nevada residents receiving telehealth services, the ATA respectfully would like to offer some amendments to Senate Bill 5 which we believe will expand further the efficacy of Nevada's telehealth policy.

First, we propose amending NRS 629.515(4)(c) to reflect a technology-neutral definition of telehealth that would specifically include asynchronous technologies. Such amendments would better capture how telehealth providers in Nevada and across the country are increasingly relying on robust 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. As patients and consumers seek out more convenient and affordable means by which to access their health care services, state policymakers should not mandate which technologies are more appropriate than others in the delivery of telehealth services. Instead, they should defer this decision to licensed medical professionals who can determine which technologies are appropriate to treat the condition presented by the patient. It is appropriate for the legislature to put in place patient safety guardrails; however, those should be firmly tied to the standard of care. The ATA believes that a technology-neutral definition would enable Nevadans to access their much-needed health care services as easily and efficiently as possible.

Second, we suggest that the legislature add language to NRS 629.513(3) which states that providers may establish a professional relationship with the patient through the use of the telehealth technologies appropriate to diagnose and treat the condition presented by the patient if such a relationship does not already exist. The ATA maintains that so long as the patient has consented to the use of telehealth as an acceptable mode of delivering health care services and the patient and practitioner have identified themselves and disclosed the appropriate credentials, a practitioner and patient should not be prevented from establishing a professional relationship through appropriate technologies that meet the standard of care.

Third, the ATA recommends adding language in the form of NRS 629.515(5) which would clarify that the provisions in this section do not apply to out-of-state, licensed practitioners who engage in consultations with a practitioner licensed in Nevada. Nevada is currently one of only 11 states which has yet to adopt a statute that allows for peer-to-peer consultation through telehealth technologies between a state-licensed practitioner and an out-of-state medical expert without that expert having to be licensed in both locations. In easing the requirements placed on experts outside of Nevada when providing second opinions to patients in the state through communications technology, the legislature makes it easier for Nevadans to seek out the nation's top medical professionals in the search for advice on their diseases and medical concerns, all while doing so from the comfort and safety of their homes.

Again, we thank you for your support of telehealth policy in Nevada. In the context of the ongoing health crisis, it is essential that Nevada residents have safe and efficacious access to the health care they need and deserve. We urge you and your colleagues pass Senate Bill 5 with the recommended amendments in the interest of expanding Nevadans' easy and efficient access to affordable, quality health care. Please do not hesitate to let us know how we can be helpful in your efforts to advance common-sense telehealth



policy in Nevada. If you have any questions or would like to discuss further the telehealth industry's perspective, please contact me at kzebley@americantelemed.org.

Kind regards,

A handwritten signature in black ink that reads "Kyle Zebley".

Kyle Zebley
Public Policy Director
American Telemedicine Association