



April 13, 2021

The Honorable Jim Wood
Chairman, California State Assembly Health Committee
California State Capitol
1315 10th Street, Room 6005
Sacramento, CA 95814

The Honorable Chad Mayes
Vice-Chairman, California State Assembly Health Committee
California State Capitol
1315 10th Street, Room 4098
Sacramento, CA 95814

The Honorable Miguel Santiago
California State Assemblyman
California State Capitol
P.O. Box 942849
Sacramento, CA 94249

RE: ASSEMBLY BILL 457 - OPPOSE

On behalf of the American Telemedicine Association and the over 400 organizations we represent, I am writing to voice our opposition to and seek clarification on Assembly Bill 457.

The ATA is the only organization dedicated solely to the advancement of telehealth in the United States. Our primary objective is to provide Americans with affordable, high-quality health care whenever and wherever they need it. The use of telehealth services eases the burden placed on the nation's health care infrastructure, allowing the system to deliver services to millions more patients efficiently and effectively. 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.

From the ATA's perspective, Assembly Bill 457 serves as a step backward for California's state telehealth policy. The proposed legislation would prohibit health care plans from "arranging" for the provision of a service via telehealth to an enrollee through a third-party corporate telehealth provider unless the service is not available to an enrollee via telehealth through a contracting individual health professional, a contracting clinic, or qualified contracting health facilities.

Despite Assembly Bill 457's title, the Protection of Patient Choice in Telehealth Provider Act, the ATA believes that this piece of legislation does just the opposite. In placing numerous restrictions on the



conditions under which patients may receive telehealth services from so-called third-party corporate telehealth providers, Assembly Bill 457 removes from patients the ability to choose the provider from which they wish to receive high-quality health care. If passed, the legislation would place an unnecessary burden on enrollees, forcing them to prove that individual health professionals, clinics, and health facilities associated with their health care service plan do not offer the telehealth service they desire before receiving that care from so-called “third-party corporate telehealth providers.”

The ATA maintains that patients should have the right to choose where they receive their telehealth services so long as the selected provider is licensed to practice in the state and uses the appropriate telehealth technologies to meet the standard of care for the condition presented by the patient. In taking this choice away from patients, Assembly Bill 457 would make it much more difficult for millions of Californians to access the high-quality care they deserve and enjoy the many benefits that telehealth services have to offer.

Our organization also has several questions regarding key terms left undefined in Assembly Bill 457. For instance, we are confused by the use of the word “arrange” in Section 1374.141(a). We do not understand in which instances health care service plans would “arrange” for the provision of a service via telehealth on behalf of their enrollees; health care plans are typically responsible for covering the cost of the services provided. Additionally, the ATA does not understand what the legislature means by a “third-party corporate telehealth provider.” The ATA strongly believes that California-licensed health care providers should be able to treat California patients through remote technologies as appropriate to meet the standard of care. State policy should not arbitrarily discriminate against certain health care providers either because of the manner in which they are organized to do business in the state or the modality they use to effectively treat patients in the state in compliance with state law and regulation. We seek clarification on the meaning of these key terms, as we believe that certain interpretations of their meanings would prevent Californians from accessing high-quality telehealth services efficiently and effectively.

Thank you for your interest in telehealth. We urge you and your colleagues to oppose Assembly Bill 457 unless it is amended and the definitions of several significant terms are clarified. Please let us know how we can be helpful in your efforts to adopt sensible telehealth policy in California. 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, appearing to read "Kyle Zebley", written over a light gray circular stamp.

Kyle Zebley
Public Policy Director
American Telemedicine Association