



January 19, 2022

The Honorable Rhonda Milstead
Chair, South Dakota House Commerce and Energy Committee
South Dakota House of Representatives
500 E. Capitol Ave.
Pierre, SD 57501

The Honorable Arch Beal
Vice-Chair, South Dakota House Commerce and Energy Committee
South Dakota House of Representatives
500 E. Capitol Ave.
Pierre, SD 57501

RE: ATA SUPPORT FOR HOUSE BILL 1029

Dear Chair Milstead and Vice-Chair Beal,

On behalf of the American Telemedicine Association (ATA) and the over 400 organizations we represent, I am writing to express our support for Senate Bill 1029.

The ATA is the only national organization whose mission revolves solely around the advancement of telehealth in the United States. Our utmost priority is ensuring that Americans have the ability to receive affordable, high-quality health care when and where 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.

House Bill 1029 serves as an important addition to South Dakota's state telehealth policy. The bill revises the definition of telehealth in the state's Insurance Title, striking the restrictive language currently on the books to create a technology-neutral definition of telehealth.

The ATA strongly supports the legislature's efforts to promote technology-neutral language in South Dakota. The ATA believes that licensed practitioners should be able to utilize the full range of available telehealth technologies while delivering virtual care so long as the technologies being used are appropriate to meet the standard of care for the condition presented by the patient. Amending the definition of telehealth in the Insurance Title to enact technology-neutral language will ensure that all appropriate and medically necessary telehealth services – regardless of the modality used to deliver them



– will be covered by South Dakota health insurers in the same manner that these services would be covered if provided in person.

The ATA would like to make one suggestion in an effort to promote consistency in the state’s telehealth language across title sections. In the state’s Public Health and Safety Title (SD Codified Laws § 34-52-1), telehealth is defined as:

“The use of secure electronic information, imaging, and communication technologies by a health care professional to deliver health care services to a patient, including interactive audio-video, interactive audio with store and forward, store-and-forward technology, and remote patient monitoring.”

While both the definition in House Bill 1029 and the one provided in SD Codified Laws § 34-52-1 are considered technology-neutral, the definition presented above explicitly lists several telehealth modalities (i.e., interactive audio-video, interactive audio with store and forward, store-and-forward technology, and remote patient monitoring), making it clear that providers are permitted to utilize them. For the sake of consistency and to avoid confusion, our organization encourages you and your colleagues to amend the definition of telehealth in House Bill 1029 to be consistent with current statutory language.

The ATA is confident that House Bill 1029 will enhance access to and coverage of affordable, high-quality health care across South Dakota. South Dakota’s increasingly permissive statutory telehealth framework will promote further proliferation of and innovation in telehealth technologies in the state, benefitting patients and practitioners alike by creating a patient-centered health care experience.

Again, we thank you for your advocacy on telehealth. We urge you and your colleagues to vote favorably on House Bill 1029 with our brief amendment. Please let us know if there is anything we can do to help you advance common-sense telehealth policy in South Dakota. If you have any questions or would like to engage in additional discussions surrounding the telehealth industry’s perspective, please contact me at kzebley@ataaction.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", written in a cursive style.

Kyle Zebley
Vice President of Public Policy
American Telemedicine Association