



Health. Virtually. Everywhere.

January 18, 2022

The Honorable Eileen Cody
Chair, Washington House Health Care & Wellness Committee
John L. O'Brien Building
504 15th Ave. SW, Room 303
Olympia, WA 98501

The Honorable Jessica Bateman
Vice Chair, Washington House Health Care & Wellness Committee
John L. O'Brien Building
504 15th Ave. SW, Room 317
Olympia, WA 98504

RE: COMMENTS ON HOUSE BILL 1821

Dear Chair Cody and Vice Chair Bateman,

On behalf of the ATA and the over 400 organizations we represent, I am writing you to comment on House Bill 1821.

The ATA is the only national organization completely focused on advancing telemedicine. We are committed to ensuring that everyone has access to safe, affordable, and high-quality health care when and where they need it. We believe that the proliferation of telemedicine empowers the health care system to provide more services to more patients in an efficacious manner. The ATA represents a broad and inclusive coalition of technology solution providers and payers, as well as partner organizations and alliances, working to advance the industry adoption of telemedicine, promote responsible policy, advocate for government and market normalization, and provide education and resources to help integrate virtual care into emerging, value-based modalities.

House Bill 1821 amends the definition of “established relationship” in the state’s insurance code that pertains to providers delivering telemedicine services via audio-only modalities. The language stipulates that mental health care providers are required to a) engage in an audiovisual interaction every three years or b) maintain access to the patient’s “current health record” in order to establish a patient-provider relationship. Other providers would be mandated to a) meet with patients in person once every two years or b) maintain access to the patient’s “current health record” in order to establish such a relationship.

The ATA applauds the legislature for its attempt to create more permissive telemedicine statute in Washington. In permitting providers to establish patient-provider relationships simply by maintaining the patient’s current health record, the legislature removes in-person requirements that currently serve as artificial and clinically unsubstantiated barriers to patients’ access to high-quality mental health care. Insofar as audio-only telemedicine services are only reimbursable if delivered within the context of this established relationship, this bill would enable patients in Washington to enjoy the full benefits that telemedicine technologies have to offer.



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However, the ATA would like to emphasize its commitment to technology-neutral language in telemedicine statute. Our members believe that providers should be able to utilize the full range of telemedicine technologies to establish a patient-provider relationship so long as the provider is capable of obtaining the patient's consent for the use of telemedicine as an acceptable mode of delivering medical services, revealing his or her identity and credentials, and verifying the patient's identity while utilizing them. We urge the legislature to consider implementing a definition of "established relationship" for audio-only telemedicine purposes that is tied explicitly to the standard of care, not one which suggests that certain modalities are more appropriate in establishing patient-provider relationships than others.

The expanded use of telemedicine in response to the COVID-19 pandemic has provided additional evidence to demonstrate that the use of safe and efficient technologies to deliver virtual care to patients improves health care quality and outcomes while reducing the cost of that care. We encourage you and your colleagues to adopt policies that empower Washingtonians – especially those in the unserved and underserved communities most impacted by the pandemic – to utilize and benefit from the wide variety of innovative telemedicine technologies available to them.

Again, we thank you for your interest in and support of telemedicine. Please do not hesitate to let us know how we can be helpful to your efforts to advance common-sense telemedicine policy in Washington. If you have any questions or would like to discuss the telemedicine industry's perspective further, please contact me at kzebley@ataaction.org.

Kind regards,

Kyle Zebley
Vice President of Public Policy
American Telemedicine Association