



February 2, 2022

The Honorable Ralph Alvarado
Chair, Kentucky Senate Health & Welfare Committee
Kentucky State Senate
702 Capitol Avenue, Annex Room 228
Frankfort, KY 40601

The Honorable Stephen Meredith
Vice Chair, Kentucky Senate Health & Welfare Committee
Kentucky State Senate
702 Capitol Avenue, Annex Room 229
Frankfort, KY 40601

RE: ATA ACTION SUPPORT FOR HOUSE BILL 188

Dear Chair Alvarado and Vice Chair Meredith,

On behalf of ATA Action, I am writing you to express our support for House Bill 188.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services across the care continuum. ATA Action supports the enactment of state and federal telehealth coverage and fair payment policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

House Bill 188 serves as a rational expansion of Kentucky's state telehealth policy. The proposed legislation bars professional licensure boards from a) prohibiting the delivery of telehealth services to Kentucky residents who are temporarily located outside of Kentucky by health service providers credentialed in Kentucky and b) prohibiting the delivery of telehealth services to nonresidents of Kentucky who are temporarily located in Kentucky by health service providers credentialed in the person's state of residence. Finally, the bill bars health care providers from being required to be physically present in their credentialing state to provide telehealth services to a person who is a resident of the same state.

ATA Action applauds the legislature for seeking to increase access to telehealth by enabling qualified providers to deliver telehealth services across state lines to support continuity of care for patients who need health care services when they are temporarily out of their state of residence. Policies that expand licensure flexibilities help ensure that patients have the

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opportunity to connect with qualified practitioners whenever and wherever their need for care arises.

We encourage, however, the legislature to consider additional licensure flexibilities to better ensure that patients have the opportunity to connect with qualified practitioners whenever and wherever their need for care arises. Our organization believes that patients should be able to receive virtual care from their preferred provider – regardless of that provider’s physical location – so long as the providers are licensed and in good standing in their home state, are utilizing the appropriate technology to uphold the established standard of care, and can still be held accountable by the appropriate boards and state agencies should any issues arise from treatment of the patient. Policies which enable out-of-state providers to practice at the top of their license and deliver high-quality health care via telemedicine remove arbitrary geographical barriers that limit patients’ access to the health care services they want, need, and deserve.

Making these amendments to allow all out-of-state providers to practice in Kentucky would be in line with national public policy since the onset of the COVID-19 pandemic. Governors and legislatures across the country quickly responded to COVID-19 by providing licensure flexibilities that allowed out-of-state providers who were licensed and in good standing in their home states to practice without having to navigate the often-burdensome licensure requirements of other states. This public policy experiment was met with great success, as patients with non-emergent conditions were given the opportunity to receive timely care via telehealth technologies not only for COVID-related illnesses but also for a myriad of other chronic and acute issues. In response to these flexibilities, our member organizations leveraged their technology platforms and provider networks to increase the supply of health care professionals dramatically to meet surges in demand, ultimately serving millions of Americans who would otherwise never have received care. Notably, there was not an increase in patient complaints nor reported harm to patients from the implementation of this policy nationwide.

Given the overwhelmingly positive outcomes of this public policy initiative during the pandemic, ATA Action believes that the time is now to make these out-of-state licensure flexibilities a permanent fixture through legislative action at the state level. House Bill 188 presents an opportunity to do so. Other states have already found successful public policy formulas to implement these changes. One such model involves a simple registration process that requires the out-of-state health care provider to show that they (1) are licensed and in good standing in his or her home state, (2) maintain liability coverage similar to if he or she were providing services in person, (3) do not open an office in the state, and (4) only use approved pharmacies to dispense prescription drugs. Again, any out-of-state provider would still be subject to the laws and regulations of Kentucky, would operate under the authority and enforcement of the State regulatory boards, and could have their registration revoked and penalties levied in the same manner as a provider delivering services in person.

Simply put, this is an opportunity for Kentucky to lead the nation and provide solutions for complex problems that are affecting Kentucky residents every day.

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Thank you for your support for telehealth. We encourage you to pass House Bill 188 in the interest of expanding patients' access to affordable, high-quality care and suggest expanding licensure flexibilities further. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth policy in Kentucky. If you have any questions or would like to engage in additional discussion regarding 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", is written over a light gray circular watermark that contains the text "ATA ACTION".

Kyle Zebley
Executive Director
ATA Action