



May 13, 2022

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue
Washington, DC 20001

Dear Secretary Becerra,

On behalf of ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, and the American Telemedicine Association, the only organization focused solely on advancing telehealth with over 400 members, we appreciate the Administration's ongoing leadership to maintain the COVID-19 Public Health Emergency (PHE) and strongly urge the Administration to renew the PHE until the pandemic has receded. As COVID-19 cases are on the rise again throughout the country, it is imperative for the PHE to remain in effect to ensure all patients can continue receiving care where and when they need it.

Throughout the PHE, millions of patients have been able to receive care within the comfort and safety of their homes, without having to go into a doctor's office, due to the regulatory waivers and flexibilities. Back in March the FY2022 Consolidated Appropriations Act was enacted into law which extends most of the telehealth flexibilities implemented during the PHE for 151 days post-PHE, providing a grace period and some degree of certainty for patients and providers until Congressional leaders act permanently. We applaud Congress for this important action but unfortunately a critical flexibility, that would allow patients to continue receiving access to controlled substances remotely, was left out and is set to expire once the PHE ends.

Prior to the pandemic, due to the Ryan Haight Act, a patient must have had an in-person visit before a provider could prescribe controlled substances by means of the internet. During COVID-19, the Drug Enforcement Agency (DEA), in partnership with the Substance Abuse and Mental Health Services Administration (SAMHSA), used the Ryan Haight Act's PHE exception to temporarily waive the in-person requirement. If the PHE were to expire in July, millions of patients would abruptly lose access to these clinically appropriate services. It is imperative that the Administration continues to work closely with the DEA on a permanent solution before the PHE ends.

Again, thank you for your commitment to keeping the American people safe and healthy. We strongly urge the Administration to renew the PHE, which is set to expire July 15th, to ensure that patients do not lose access to critical, lifesaving health care services. Please reach out to me kzebley@ataaction.org if you have any questions.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley".

Kyle Zebley
Executive Director
ATA Action

ATA ACTION

901 N. Glebe Road, Ste 850 | Arlington, VA 22203
Info@ataaction.org