



July 13, 2022

The Honorable Curtis VanderWall
Chair, Senate Health Policy and Human Services Committee
Michigan State Senate
201 Townsend Street Suite #4500
Lansing, MI 48933

RE: ATA ACTION SUPPORT AND COMMENTS ON SENATE BILL 1135

Dear Chair VanderWall and members of the Senate Health Policy and Human Services Committee:

On behalf of ATA Action, I am writing you to express support for Senate Bill 1135 and comment on provisions relating to the medical assistance program and the Healthy Michigan program telehealth policy.

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 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.

ATA Action believes that several of the telehealth-related provisions in the bill would serve as steps forward for Michigan's medical assistance program and the Healthy Michigan program's telehealth policy.

First, the bill would ensure that medical assistance program and Healthy Michigan patients would be covered when receiving virtual care via synchronous care (meaning both video and audio-only). This is an expansion of the telehealth services currently available to patients in enrolled in these programs and is a commendable step forward for telehealth policy in Michigan. ATA Action applauds the Legislature for working to guarantee that patients have their telehealth services covered permanently. Such a policy will make it substantially easier for these patients to access the high-quality care they want and need with less worry about the cost of that care.

However, regarding the modalities which the committee should approve for use in the delivery of telemedicine services, the ATA supports the adoption of technology-neutral telemedicine policies that enable practitioners to utilize synchronous (real-time) and asynchronous (non-real-time) technologies in the delivery of care. The ATA maintains that state legislatures should not restrict the modalities which practitioners may use when providing care to patients, permitting licensed health care professionals to determine which technologies are sufficient to meet the standard of care for the condition presented by the patient. The committee should expand the modalities permitted for telehealth coverage under Healthy Michigan and the medical assistance program to be technology neutral to best serve the needs of patients.

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ATA Action also appreciates the legislature's efforts to support the expansion and security of telehealth throughout Senate Bill 1135. Specifically, prohibiting the medical assistance program and Healthy Michigan from imposing additional certification, location, or training requirements for telehealth providers. This will ensure that patients have access to strong telehealth network without additional barriers to entry that in-person providers do not face. The bill also recognizes telemedicine services as allowable encounters for federally qualified health centers, rural health clinics, and tribal health centers under the medical assistance program and Healthy Michigan program. This is another element of the bill that ATA Action supports as it will further increase patient accessibility and flexibility when seeking the healthcare that they need.

In addition to the modality neutral concern mentioned above, ATA action also has specific concerns with section four of Senate Bill 1135. The additional requirements imposed on patients and providers using audio only synchronous interactions are restrictive and unnecessary barriers to telehealth care. The committee should reconsider the requirement of an audio-visual synchronous or in-person interaction prior to an audio only interaction or an audio-visual synchronous interaction within 12 months of the audio only synchronous interaction. This requirement is restrictive to patients, particularly those who do not have access to video synchronous technology and thus could be forced to choose between making a disruptive and potentially costly in-person visit or not receiving the care they desire. This concern would also be alleviated by adopting the technology neutral suggestion made above, permitting licensed health care professionals to determine which technologies are sufficient to meet the standard of care.

ATA Action has one additional concern with Senate Bill 1135. As far as the rate of reimbursement for telehealth services is concerned, ATA Action believes that state policymakers should set rational guidelines that are fair to the provider of such services while reflecting the cost savings the effective use of telehealth technologies offers to the health care system. In some instances, reimbursement parity may be appropriate; in other instances, it may not. To enact optimal reimbursement policy, we suggest adopting language which grants providers the flexibility to accept reimbursement amounts less than the amount those providers would charge for the same services delivered in person.

Thank you for your support for telehealth. We encourage you and your colleagues to consider changes to this bill to address the concerns we raised above. This bill remains a positive step in the right direction for patients in the medical assistance program and Healthy Michigan program by expanding their healthcare flexibility. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth policy in Michigan. 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", written in a cursive style.

Kyle Zebley
Executive Director
ATA Action

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