



August 23, 2022

The Honorable Toni G. Atkins
President Pro Tempore
California State Senate
1021 O St., Suite 8518
Sacramento, CA 95814

RE: ATA ACTION COMMENTS ON THE FLOOR AMENDMENTS TO ASSEMBLY BILL 32

Dear President Pro Tempore Atkins and members of the California State Senate:

On behalf of ATA Action, I am writing you to comment on amendments made on August 22, 2022 to Assembly Bill 32 relating to Medi-Cal 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.

Our full comments on Assembly Bill 32 can be found in their entirety in our letter submitted to the Position Letter Portal. This letter specifically addresses the floor amendments made on August 22nd.

ATA Action appreciates the amendment made to remove language that would have added Section 14132.721 to require equal reimbursement from Medi-Cal for both telehealth and in-person care services. ATA Action believes state policymakers should set rational guidelines concerning health care services reimbursement that are fair to the provider of such services and reflect the cost savings effective uses of telehealth technologies offer to the healthcare system. It is encouraging to see California provide the flexibility to realize the cost savings that telehealth can provide.

However, ATA Action has major concerns with other amendments made to AB 32, namely, the new restrictions on the technologies available to patients when establishing a new relationship with Federally Qualified Health Centers (FQHCs), Rural Health Clinics (RHCs), and providers via telehealth.

These amendments, made to code sections 14132.100 and 14132.725, would prohibit patients from establishing a new patient relationship with FQHCs, RHCs, and providers via audio-only synchronous technology unless certain conditions are met. In order to avoid confusion for both patients and providers, patients should be permitted to establish relationships with providers via audio-only technologies, regardless of the circumstances, as long as the patient has consented to doing so and the standard of care is met.

ATA ACTION

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Additionally, the amendments would prohibit Medi-Cal beneficiaries from establishing new patient relationships with providers via asynchronous modalities without exception. This change would make it more difficult for patients to access the quality healthcare they deserve by erecting new barriers to care. If enacted, this will negatively impact vulnerable patients in rural, low-income areas, as well as senior citizens who often lack the synchronous technology that would be required to establish a patient-provider relationship via telehealth and access the care they need. The Senate should remove this new prohibition to ensure that patients have the greatest possible access to healthcare via telehealth.

Enacting AB 32 with these restrictive amendments would be a backward step for healthcare in California and make it more difficult for patients to establish relationships with telehealth providers in order to meet their healthcare needs. ATA Action supports the adoption of technology-neutral telemedicine policies that enable practitioners to utilize synchronous and asynchronous technologies in the delivery of care. California should not restrict the modalities which practitioners may use when providing care to patients, and instead permit licensed health care professionals to determine which technologies are sufficient to meet the standard of care for the condition presented by the patient. ATA Action encourages the California Senate to refrain from moving AB 32 forward until the issues created by these amendments have been addressed.

Thank you for your support for telehealth. We encourage you and your colleagues to not pass this bill until changes have been made to address the concerns we raised above. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth policy in California. 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