

## Avoiding the Telehealth Cliff

### ATA Action Federal Policy Priorities in 2022

ATA Action, the American Telemedicine Association's affiliated trade association, is dedicated to ensuring Medicare beneficiaries do not go over the "telehealth cliff" at the end of the COVID-19 public health emergency (PHE). **Unless Congress acts before the end of the PHE, telehealth access will vanish overnight for the over 60 million Medicare beneficiaries.** Below are ATA Action's top legislative priorities that, if enacted, would ensure we avoid the telehealth cliff.

<b>ATA Action's Top Legislative Priorities</b>	
Telehealth Modernization Act ( <a href="#">S. 368</a> , <a href="#">H.R. 1332</a> )	Introduced by Senators Tim Scott (R-SC) and Brian Schatz (D-HI) and Representatives Buddy Carter (R-GA) and Blunt Rochester (D-DE), The Telehealth Modernization Act cleanly amends 1834(m) of the Social Security Act to remove the originating and geographic site restrictions, give HHS secretary authorities to expand types of providers, allow telehealth to meet face-to-face requirements for hospice care and home dialysis, enable CMS to continue to use sub-regulatory authority to add telehealth services, and extend FQHC and RHCs distant site ability as authorized under the CARES Act.
CONNECT for Health Act ( <a href="#">S. 1512</a> , <a href="#">H.R. 2903</a> )	Introduced by longstanding bipartisan, bicameral telehealth champions, the CONNECT for Health Act is consensus legislation to support telehealth permanence with support of 60 United States Senators. CONNECT permanently reforms the geographic and originating site restrictions and provides the Secretary of HHS authority to waive telehealth restrictions in statute.
Telemental Health Care Access Act ( <a href="#">S. 2061</a> , <a href="#">H.R. 4058</a> )	Introduced by Senators Cassidy (R-LA), Smith (D-MN), Thune (R-SD), and Cardin (D-MD) in the Senate and Representatives Matsui (D-CA) and Johnson (R-OH) in the House. This essential legislation will ensure Medicare beneficiaries can access telemental health services post- pandemic without satisfying the arbitrary and restrictive in-person requirement that was passed into law at the end of 2020.
Telehealth Response for E-prescribing Addiction Therapy Services Act or TREATS Act ( <a href="#">S.340</a> , <a href="#">H.R. 1647</a> )	Introduced by Senators Portman (R-OH) and Whitehouse (D-RI) in the Senate and Representatives McKinley (R-WV), Cicilline (D-RI), Trone (D- MD), Budd (R-NC) in the House. This legislation would allow certain controlled substances specifically schedules III and IV to be prescribed via telehealth without an in-person requirement. It also allows telehealth services to be provided via audio-only technology, if a physician has already conducted a video or in-person visit.
Telehealth Expansion Act of 2021 ( <a href="#">S.1704</a> , <a href="#">H.R. 5981</a> )	Introduced by a group of nine bipartisan Representatives in the House and Senators Daines (R-MT) and Cortez Masto in the Senate. This legislation would make permanent the exemption for telehealth services from certain high deductible plan rules, allowing millions of Americans to access telehealth services without the burden of meeting a deductible.

Hospital Inpatient Services Modernization Act ( <a href="#">S.3792</a> , <a href="#">H.R.7053</a> )	Introduced by Sens. Thomas Carper (D-DE) and Scott and Reps. Brad Wenstrup (R-OH-2) and Earl Blumenauer (D-OR-3). This legislation is a two-year extension of the Acute Hospital Care at Home COVID-19 waiver triggered by the end of the PHE.
Telehealth Benefit Expansion for Workers Act of 2022 ( <a href="#">H.R. 7353</a> )	Introduced by a group of bipartisan Representatives this legislation would permanently classify telehealth as an excepted benefit under Employee Retirement Income Security Act (ERISA).
Advancing Telehealth Beyond COVID-19 Act of 2021 ( <a href="#">H.R. 4040</a> )	Introduced by Reps. Liz Cheney (R-WY) and Debbie Dingell (D-MI). This legislation would extend the Medicare telehealth flexibilities until the end of 2024. This bill passed the House in July 2022 and currently sits in the Senate.

### ATA Action urges Congress to support permanent telehealth reform and to specifically:

<b>Avoid in-person restrictions</b>	Remove provisions in law that mandate, for telehealth delivery of care or reimbursement, a prior in-person relationship between practitioner and patient.
<b>Allow states to determine practice standards</b>	Allow state licensing boards and practitioners to determine the appropriate standards of care for patients. This includes removing the in-person requirement for telemental health services in the recently signed Consolidated Appropriations Act.
<b>Remove arbitrary location-based restrictions</b>	Permanently remove the geographic and originating site barriers in statute.
<b>Allow patients to access care anywhere</b>	The originating site should be wherever the patient is located, including but not limited to a patient's home.
<b>Untie HHS's and providers' hands</b>	Enhance HHS authority to determine appropriate telehealth services and providers.
<b>Empower safety net providers</b>	Ensure Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) can furnish telehealth and receive equitable reimbursement.
<b>Be prepared for the next emergency</b>	Make permanent HHS's temporary waiver authority for future emergencies.
<b>Support program integrity</b>	Support existing fraud, waste, and abuse resources within HHS, including the Health Care Fraud and Abuse Control Program.

ATA Action’s policy development and ultimate recommendations are guided by a specific set of [policy principles](#) which all support the goal of promoting a healthcare system where people have access to safe, effective, and appropriate care when and where they need it. For more information on how to address the telehealth cliff, please see [ATA’s Permanent Policy Recommendations](#) and [ATA Action’s Federal Legislative Priorities](#).

## ATA POLICY PRINCIPLES

- 1 Ensure Patient Choice, Access, and Satisfaction
- 2 Enhance Provider Autonomy
- 3 Expand Reimbursement to Incentivize 21st Century Virtual Care
- 4 Enable Healthcare Delivery Across State Lines
- 5 Ensure Access to Non-Physician Providers
- 6 Expand Access for Underserved and At-risk Populations
- 7 Support Seniors and Expand “Aging in Place”
- 8 Protect Patient Privacy and Mitigate Cybersecurity Risks
- 9 Ensure Program Integrity