



December 14, 2022

Jenney Samuelson
Secretary, Vermont Agency of Human Services
Vermont Agency of Human Services Central Office
280 State Drive
Waterbury, VT 05671-1080

RE: ATA ACTION SUPPORT FOR PROPOSED HCAR-3.101 RULE

Dear Secretary Samuelson:

On behalf of ATA Action, I am writing to express our organization's support for the proposed amendments to the Agency's Health Care Administrative Rules section 3.101.

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.

ATA Action believes that several of the revisions in the proposed rule would serve as steps forward for the expansion of telehealth care in Vermont, particularly by expanding the use of store-and-forward and remote patient monitoring (RPM) technologies and including coverage for audio-only telehealth services.

First, the removed limitations on store-and-forward technologies, as well as the expansion of conditions which providers may monitor patients remotely, will make it substantially easier for patients – especially those in rural and underserved communities – to communicate information to their care providers and receive the services they need. Instead of travelling long distances to see their preferred providers, patients will be able to get high-quality, affordable care from the comfort of their own homes, and health care providers will be able to more efficiently monitor Medicaid patient progress. Furthermore, ATA Action suggests that the Agency consider delimiting the set of conditions for which RPM applies and allow care providers to decide how best RPM can be used to treat patients within the applicable standard of care.

Second, ATA Action appreciates the addition of the audio-only modality definition to the definition of telehealth and inclusion of audio-only telehealth care in services covered by Vermont Medicaid. ATA Action maintains that state legislatures and agencies should not restrict

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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 on a case-by-case basis. Adding audio-only telehealth care will improve patient choice, flexibility, and outcomes for Vermont Medicaid patients.

We encourage the Agency to pass the rule in the interest of ensuring all Vermonters have access to the care they need and deserve. Thank you for your support of telehealth, and please do not hesitate to let us know how we can be helpful to your efforts to advance common-sense telehealth policy in Vermont. If you have any questions or would like to discuss the telehealth industry's perspective further, 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 rectangular background.

Kyle Zebley
Executive Director
ATA Action