



February 13, 2023

The Honorable Regina Birdsell
Chair, Senate Committee on Health and Human Services
New Hampshire Senate
Legislative Office Building
33 N State Street Room 101
Concord, NH 03301
Regina.Birdsell@leg.state.nh.us

RE: ATA ACTION SUPPORT OF SENATE BILL 238

Dear Chair Birdsell,

On behalf of ATA Action, I am writing you to express our support of Senate Bill 238 relating to telehealth prescribing.

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.

Senate Bill 238 serves as an important expansion of New Hampshire's telehealth policy. The bill would revise the prescribing authority of New Hampshire licensed, remote physicians and advanced practice registered nurses to allow for telehealth prescribing of Schedule II through IV controlled substances for mental health conditions in addition to substance use disorder treatment.

ATA Action supports the Legislature's efforts to expand patient access to prescription medications in a safe manner. Across the United States, patients and consumers are seeking more cost-effective and efficient ways to access the health care they need, and prescriptions are an essential part of this effort. Our organization believes that the choice about a patient's care plan, including the modality utilized to render care, should ultimately be the decision of an empowered patient and their provider, made in accordance with the standard of care. Senate Bill 238 serves as an excellent example of a policy which enables patients to access their much-needed prescriptions efficiently and safely without sacrificing safeguards intended to prevent substance abuse.

Last session, the legislature expanded the ability of telemedicine prescribers to issue prescriptions for non-opioid and opioid controlled drugs in both the Physicians and Surgeons practice statutes and the New Hampshire Controlled Drug Act (H.B. 503). Unfortunately, the Physicians and Surgeons practice statutes still contain a prohibition on telemedicine prescribing outside of Substance Use Disorder treatment. Senate Bill 238 builds on the progress made last year to provide increased telehealth access for mental health treatment. These are positive steps for New Hampshire patients.

ATA ACTION

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Since the end of the pandemic, use of telehealth for mental health care has remained high. According to research from Zocdoc, more patients utilize virtual mental health care today than even during the height of the pandemic; 74 percent of mental health bookings in May 2020 were virtual, rising to 85% in May 2021, and 87% in May 2022.¹ It is therefore critical that state laws ensure continuity of care for patients who now rely on telehealth care for mental health needs, including treatment using controlled substances.

ATA Action also recognizes that some controlled substances, including those belonging to Schedule II, pose a risk of dependency and illegal diversion. As such, we believe that permanent policy should focus on ensuring that patients can utilize telehealth services for a range of health concerns to receive prescriptions for substances that fall under Federal Schedule III and IV categories, but also some Schedule II substances under certain circumstances. We encourage legislators to review their telehealth prescribing laws and ensure that practitioners are allowed to practice at the top of their license no matter the telehealth modality used.

Thank you for the opportunity to comment. We urge the Committee to support Senate Bill 238 to expand Granite State's access to high-quality, affordable health care and drive better care coordination throughout the state. 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,

Kyle Zebley
Executive Director
ATA Action

¹ Zocdoc Reports – The Healthcare Experience: 2022, Zocdoc, June 20, 2022, <https://www.zocdoc.com/blog/zocdoc-reports-the-healthcare-experience-2022/>.