



January 31, 2023

Health and Long-Term Care Committee
Washington State Senate
416 Sid Snyder Ave. SW
Olympia, WA 98504

RE: SUPPORT OF SB 5481

Dear Chair Cleveland and members of the Washington Senate Health and Long-Term Care Committee,

On behalf of ATA Action, I am writing you to express support for Senate Bill 5481 if amended align with the Uniform Law Commission's (ULC) Uniform Telehealth Act.

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 – if only allowed to flourish.

ATA Action is grateful to the sponsors of this legislation and to the Committee for hearing this bill, which is modeled after the ULC Uniform Telehealth Act. The ULC is a highly respected nonpartisan organization, founded in 1892, and is responsible for numerous model laws adopted by states across the country. ATA Action served as an observer throughout the ULC's thoughtful and thorough process that spanned over two years and incorporated perspectives contributions from providers, patients, legal experts and other healthcare stakeholders to develop a uniform telehealth regulatory framework that expanded access to telehealth while ensuring patient safety. The final result – the Uniform Telehealth Act – has ATA Action's support and fulfills many of ATA's core principles¹.

SB5481 reflects most of the ULC's Uniform Telehealth Act and, if enacted, will serve as a step forward for patient choice and access to quality care in Washington. The legislation will provide clear guidance to telehealth providers to meet patients where they are for the provision of services, so long as those services are capable of meeting the standard of care. SB5481 also makes clear that non-physician providers, such as advanced registered nurse practitioners, physician assistants, and all persons authorized to practice a health profession under RCW 18.130.040, may use telehealth technologies to deliver care where appropriate.

ATA Action also strongly supports how this legislation better enables the delivery of telehealth services across state lines, so long as that provider is licensed or registered in Washington. ATA Action believes that patients should be able to receive virtual care from their preferred provider, regardless of that provider's physical location, so long as the practitioners are utilizing the appropriate technology to uphold the established standard of care and can still be held accountable by the appropriate Boards and state agencies should any issues arise from treatment. The legislation would enact a streamlined registration

¹ ATA Policy Principles, July 22, 2020. <https://www.americantelemed.org/policies/ata-policy-principles/>



system, as an alternative to licensure, to authorize out-of-state practitioners in good standing to deliver care via telehealth. The bill also defines the circumstances – much like the recent Federation of State Medical Boards’ Appropriate Use of Telemedicine Technologies in the Practice of Medicine² – in which out-of-state practitioners may deliver care without any licensure or registration. While the legislation would allow more opportunities for cross-border care to address workforce shortages and patients’ access, the bill still maintains patient safety by reinforcing Washington’s professional standards and authority for Washington health boards to oversee out-of-state providers.

We strongly encourage the Committee to amend SB 5481 to align with the Uniform Telehealth Act language on two points before moving forward. First, the term “telemedicine” does not reflect the definition provided in the ULC Uniform Act and instead limits telemedicine services to interactive and synchronous audio-video technology. ATA Action 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. ATA Action maintains that policy makers should not restrict the modalities which practitioners may use when providing care to patients, enabling licensed health care professionals to use professional discretion to determine which technologies are sufficient to meet the standard of care for the condition presented by the patient. If enacted as currently drafted, SB5481 would prohibit providers from using asynchronous and audio-only telehealth technologies which are currently permitted, and in some cases, reimbursed, in Washington. We recommend the Committee amend the definition of telemedicine to be “the use of synchronous or asynchronous telecommunication technology by a practitioner to provide health care to a patient at a different physical location than the practitioner,” which would align with the ULC Uniform Act and how the majority of states define telemedicine.

Second, SB 5481 leaves out critical provision in in the Uniform Telehealth Act that explicitly authorizes providers to form a relationship with patients via telemedicine if otherwise consistent with the standard of care. We urge the Committee to include this language to make clear that a practitioner who is licensed or is otherwise authorized to provide health care in Washington may provide care via telehealth if doing so is consistent with the standard of care and the provider’s scope of practice

Thank you for your support of telehealth. We encourage you and your colleagues to support SB 5481 to ensure easy and efficient access to high-quality health care services in Washington. Please do not hesitate to let us know how we can be helpful to your efforts to advance common-sense telemedicine policy. If you have any questions or would like to discuss the telemedicine industry’s perspective further, please contact me at kzebley@ataaction.org.

Kind regards,

Kyle Zebley
Executive Director
ATA Action

² The Appropriate Use of Telemedicine Technologies in the Practice of Medicine, The Federation of State Medical Boards Workgroup on Telemedicine, April 2022. <https://www.fsmb.org/siteassets/advocacy/policies/fsmb-workgroup-on-telemedicineapril-2022-final.pdf>