



April 17, 2023

The Honorable Larry Bagley  
Chairman, Louisiana House Health and Welfare Committee  
Louisiana House of Representatives  
900 N. 3<sup>rd</sup> St.  
Baton Rouge, LA 70802

The Honorable Christopher Turner  
Vice Chair, Louisiana House Health and Welfare Committee  
Louisiana House of Representatives  
900 N. 3<sup>rd</sup> St.  
Baton Rouge, LA 70802

**RE: ATA SUPPORT FOR SENATE BILL 66**

On behalf of ATA Action, I am writing to express our support for Senate Bill 66 relating to telehealth.

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 66 would serve as a rational expansion of Louisiana's telehealth policy. The proposed legislation would improve access to telehealth care in Louisiana by providing greater clarity for telehealth providers, prohibiting requirements for in-person patient history or physical examination of the patient prior to a telehealth encounter, unless dangerous controlled substances are being prescribed, and providing for more exceptions to the in-person requirement for prescribing a controlled dangerous substance.

ATA Action supports the Legislature's efforts to expand clarity for telehealth providers by simplifying the definition of "healthcare provider." By clarifying that any entity licensed or certified by Louisiana to practice medicine or provide healthcare health care or healthcare professional services may provide these services through telehealth instead of a long list of healthcare professionals this change will ensure that emerging or new forms of healthcare can be delivered via telehealth without additional amendments to the law, greatly increasing the speed at which providers can deliver care to patients in emerging professions and fields.

Additionally, ATA Action strongly supports the prohibition SB 66 adds which prevents any requirement for an in-person patient history or physical examination of the patient before engaging in a telehealth encounter unless the healthcare provider is prescribing a controlled dangerous substance. In-person requirements erect arbitrary geographic barriers to the delivery of care, consequences disproportionately borne by patients in rural or disadvantaged communities who may have to travel great distances and at high personal cost to receive in-person care. Our organization believes that licensed practitioners should

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be able to utilize the full range of available telehealth technologies while delivering virtual care, so long as the technologies being used are appropriate to meet the standard of care for the condition presented by the patient. While we acknowledge that there are situations in which the standard of care for the condition presented by the patient cannot be met through telehealth modalities, in those instances, it is the responsibility of the provider to take steps to treat the patient in-person or direct them to seek other treatment that does meet the standard of care. Preventing in-person examination requirements from being implemented, except for in certain circumstances, will also bring Louisiana law closer to the policy principles enumerated in the Federation of State Medical Board's ("FSMB") most recent update *Model Policy for the Appropriate Use of Telemedicine Technologies in the Practices of Medicine*.<sup>1</sup>

Finally, while ATA Action is appreciative of the expansion of potential exceptions to the in-person patient history or patient examination when prescribing a controlled substance by allowing rules promulgated by state agencies to grant exceptions, we encourage you to instead defer to federal standards regarding the prescription of controlled substances. The bill's proposals for controlled substances are premature, considering the ongoing rulemaking by the Drug Enforcement Administration titled: *Telemedicine Prescribing of Controlled Substances When the Practitioner and the Patient Have Not Had a Prior In-Person Medical Evaluation* (Docket No. DEA-407). If Louisiana were to enact this legislation now, the state could have a more restrictive process for patients to access crucial medication than the Federal Government, restricting patient access to care and choice over care. In order to provide greater clarity to practitioners, and to ensure that burdens to care are not in excess of federal government regulations, ATA Action recommends postponing action on controlled substances until after the federal rulemaking process has concluded.

Thank you for your support for telehealth and the opportunity to comment on this legislation. We urge you to consider the comments raised above related to the prescription of controlled substances prior to passage of SB 66 in the interest of expanding Louisiana patients' access to affordable, high-quality health care. 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](mailto:kzebley@ataaction.org).

Kind regards,

A handwritten signature in black ink that reads "Kyle Zebley".

Kyle Zebley  
Executive Director  
ATA Action

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<sup>1</sup> Federation of State Medical Boards, *The Appropriate Use of Telemedicine Technologies in the Practice of Medicine*, April 2022, <https://www.fsmb.org/siteassets/advocacy/policies/fsmb-workgroup-on-telemedicineapril-2022-final.pdf>.