



April 27, 2023

The Honorable Michaux R. Kilpatrick  
President, North Carolina Medical Board  
3127 Smoketree Court  
Raleigh, NC 27604

**RE: ATA ACTION COMMENTS ON THE DRAFT TELEMEDICINE POSITION STATEMENT**

Dear President Kilpatrick and members of the North Carolina Medical Board:

On behalf of ATA Action, I am writing to provide our comments on the draft Telemedicine Position Statement published by the Medical Board.

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.

ATA Action supports the Board's efforts to update the current Telemedicine Position Statement, which was last amended in 2019. The last couple of years have revolutionized the delivery of telehealth care; we believe the updates to the Telemedicine Position Statement are rational and ensure the Board's policies are consistent with modern delivery of telehealth services. We are supportive of several provisions in the new position statement, including its modality neutral approach and holding telemedicine providers to the same standard of care as in-person care. ATA Action would also encourage the Board to promote greater access to care by endorsing cross-state licensure frameworks and to remove or clarify the requirement for telemedicine providers to disclose their location.

ATA Action appreciates the modality neutral definition of telemedicine provided by the draft position statement which will allow providers, in consultation with the patient, to use their professional discretion to choose the technology that will best meet the standard of care. ATA Action also supports the Board's adoption of the patient originating site definition, stating that the practice of medicine occurs where the patient, not the provider, is located.

Furthermore, our organization supports the exceptions in the licensure section that enable telehealth providers licensed in other states to provide services in North Carolina under specific circumstances. However, ATA Action recommends that the Board go further. The Board's influential platform could advocate for the adoption of interstate licensure compacts for a range of health professions. Reducing

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geographic barriers to licensed healthcare services will help more patients receive access to care, fill in health workforce shortages and improve areas of care that may be lacking healthcare providers across the state or in certain areas.

Finally, our organization encourages you to remove or provide more clarity regarding the requirement for the licensee to provide their location to the patient. The term location is undefined and could create confusion for providers as to the level of detail they must provide to patients regarding their location. Telehealth frameworks also establish that the patient encounter occurs at the originating site, or the patient's physical address. This means that there is little clinical or functional need for the provider to include their address within the patient encounter. This requirement could also become a safety concern if telehealth providers would have to give to patients the provider's personal home office address. ATA Action does not believe this would be appropriate and could expose providers who work with patients that may take inappropriate advantage of this information. However, if there is a preference to keep the location disclosure requirement, ATA Action suggests allowing providers to provide their "professional business" address or a non-specific "geographic location."

Thank you for your support for telehealth. We encourage you and your colleagues to consider changes to the draft NCMB Telemedicine Position Statement to best ensure access to high-quality medical care for North Carolina patients. This new position statement could be just the first step in enacting meaningful policy change in the Tarheel State. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth positions in North Carolina. ATA Action is available as a resource to you and your members throughout this process. 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, appearing to read "Kyle Zebley", written over a light grey circular watermark.

Kyle Zebley  
Executive Director  
ATA Action