



June 26, 2023

The Honorable John DiSanto
Chair, Pennsylvania Senate Banking & Insurance Committee
Pennsylvania State Senate
501 N 3rd St., Room 168
Harrisburg, PA 17120

The Honorable Sharif Street
Minority Chair, Pennsylvania Senate Banking & Insurance Committee
Pennsylvania State Senate
501 N 3rd St., Room 535
Harrisburg, PA 17120

RE: ATA ACTION SUPPORT FOR SENATE BILL 739

Dear Chair DiSanto, Minority Chair Street and members of the Banking & Insurance Committee,

On behalf of ATA Action, I am writing you to express support for SB 739.

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 739 represents a step forward for Pennsylvania's telemedicine policy. The proposed legislation creates a technology-neutral definition of telemedicine, enabling practitioners to use synchronous modalities, asynchronous technologies, and remote patient monitoring technologies in the delivery of health care services. Additionally, the bill would require health insurance policies to provide coverage for telemedicine delivered by a participating network provider who provides a covered service via telemedicine consistent with the insurer's medical policies.

ATA Action supports the legislature's adoption of a technology-neutral definition of telemedicine. The definition aptly captures how telemedicine providers in Pennsylvania and across the country are relying increasingly on robust asynchronous (or store-and forward) telemedicine technologies in addition to more traditional, synchronous (or real-time) technologies to perform patient evaluations in a variety of fields. Asynchronous technologies are critical to the industry as they are used to transmit a patient's health data, vital signs, digital diagnostic images, and other physiologic data quickly and conveniently. Additionally, the use of asynchronous technologies, which can be utilized even with lagging bandwidth connections, allows patients who lack access to reliable internet connections to communicate effectively with their providers from the comfort of their homes.

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Additionally, providers rely increasingly on remote patient monitoring to enhance patient care outside the hospital or doctor's office. For example, this technology allows providers to monitor, collect, and analyze a patient's physiologic data from any location on a real-time basis, enabling them to better understand a patient's response to treatment, track improvements, or be warned sooner of deteriorations.

Furthermore, ATA Action is grateful for the provision of the legislation that prevents licensure boards from establishing a separate standard of care for telemedicine. Our organization believes that licensed practitioners should 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 separate standard of care regulations from being implemented will also bring Pennsylvania 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*.¹

Finally, ATA Action also applauds the legislature's efforts to expand Pennsylvanians' access to affordable, high-quality care by requiring health insurance policies to cover telemedicine services provided by a participating network provider, prohibiting health insurance policies from excluding a health care service for coverage because the service is provided through telemedicine. This provision will make it easier for Pennsylvania residents to access quality health care easily and effectively without having to worry about the potential financial burdens associated with receiving that care. As far as the rate of reimbursement for telemedicine services is concerned, ATA Action maintains that state policymakers should set rational guidelines that are both fair to the provider of such services and reflect the cost savings offered to the health care system by the effective use of telemedicine technologies.

Thank you for your support for telehealth. We encourage you and your colleagues to support SB 739 in the interest of ensuring easy and efficient access to high-quality telehealth services. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth positions in Pennsylvania. 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.

Kind regards,

Kyle Zebley
Executive Director
ATA Action

¹ 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>.