



February 6, 2024

The Honorable Kevin Hertel
Chair, Senate Health Policy Committee
Michigan State Legislature
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Lansing, MI 48909-7536
SenKHertel@senate.michigan.gov

The Honorable Sylvia Santana
Majority Vice Chair, Senate Health Policy Committee
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The Honorable Michael Webber
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RE: WITHDRAWAL OF ATA ACTION SUPPORT FOR HOUSE BILL 4131

Dear Chair Hertel and members of the Senate Health Policy Committee,

On behalf of ATA Action, I am writing to withdraw previously stated support for House Bill 4131 regarding health insurance policy. ATA Action submitted a letter of support for this legislation on September 22, 2023, when this legislation was before the House Health Policy Committee; however, that Committee significantly revised the bill (see November 9th reprint) and ATA Action no longer supports it.

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.

The introduced version of HB 4131 included several of the provisions that would have served as steps forward for Michigan's disability insurance policy and insurance coverage for telehealth in the state. ATA Action supported provisions such as prohibiting disability health insurance policies from excluding a health care service for coverage because the service is provided through telemedicine, requiring insurers that deliver health insurance policies to provide coverage for the cost of health care services provided

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through telemedicine on the same basis and to the same extent as in-person treatment, prohibiting restrictions on insurance coverage of telemedicine based on the modality used and prohibiting requirements for proof of the necessity of telemedicine. ATA Action did also call for reconsideration of the network adequacy section of the bill. These provisions would have made it easier for Michigan residents to access quality health care easily and effectively without having to worry about the potential financial burdens associated with receiving that care.

While ATA Action does not have a stance on the amended bill language, our organization believes that patient choice is paramount in the provision of healthcare, be that in-person or telehealth care. The introduced version of HB4131 represented a step forward for patient choice and access to telehealth services in Michigan – we encourage this committee to embrace the original intent of the bill and re-adopt similar language.

Insurance coverage of telehealth services is an especially pertinent issue in Michigan given ongoing regressive requirements for Medicaid recipients. In March of 2023, the Department of Health and Human Services rulemaking set restrictive in-person examination requirements on Medicaid reimbursed telehealth services (Michigan Medicaid Policy Bulletin 23-10). Bulletin 23-10 created a discrepancy in the state's determination of safe practice of telemedicine effectively based on a patient's ability to pay, so that those who can afford private insurance have broad access to telehealth services and those with Medicaid are subject to burdensome and clinically unsupported in-person examination requirements. Instead, ATA Action urges policymakers to ensure that Medicaid recipients have the same access to telehealth services that Michigan law already ensures for those who have private health insurance.

Thank you for your support for telehealth. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth policy in Michigan. 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,

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

Kyle Zebley
Executive Director
ATA Action