



March 19, 2024

The Honorable Paul Bailey
Chair, Senate Commerce and Labor Committee
Tennessee General Assembly
425 Rep. John Lewis Way N.
Suite 736 Cordell Hull Bldg.
Nashville, TN 37243
sen.paul.bailey@capitol.tn.gov

The Honorable Becky Massey
Senator, District 6
Tennessee General Assembly
425 Rep. John Lewis Way N.
Suite 776 Cordell Hull Bldg.
Nashville, TN 37243
sen.becky.massey@capitol.tn.gov

RE: WITHDRAWAL OF ATA ACTION SUPPORT FOR SENATE BILL 1881

Dear Chair Bailey and Senator Massey,

On behalf of ATA Action, I am writing to withdraw previously stated support for Senate Bill 1881 regarding requirements for telehealth visits. ATA Action submitted a letter of support for this legislation in February, when this legislation was before the Senate Commerce and Labor Committee; however, due to amendments made to the legislation 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.

Senate Bill 1881 would have served as a logical step forward for telehealth care in Tennessee by removing the requirement for a provider, practice group or health system to provide evidence of an in-person patient encounter within the 16 months prior to a telemedicine visit in order for the telemedicine visit to be eligible for insurance reimbursement. This requirement was already waived during the state of emergency declared by the governor during the outbreak of COVID-19 and it was reassuring to see the legislature move to make this flexibility permanent. By removing the in-person established-relationship requirement for insurance reimbursement, SB 1881 would have ensured coverage for Tennessee patients to receive the care they need through telehealth.

Unfortunately, the Committee's Amendment 1 removed this positive bill language, and would instead require evidence of an in-person encounter with the patient prior to an interactive telehealth visit

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regardless of any time period. Furthermore, Amendment 1 would require that the provider, provider's practice group or healthcare system be able to render services through an in-person encounter (many telehealth services, both large and small, do not provide in-person care). These new requirements are restrictive and would make it much more difficult for Tennessee patients to receive care reimbursement for telehealth, restricting patient choice, and potentially disrupting patient continuity of care. Because of this amending language, ATA Action can no longer support this legislation.

Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth policy in Tennessee. 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, appearing to read "Kyle Zebley", is written over a light gray circular watermark.

Kyle Zebley
Executive Director
ATA Action