



May 4, 2025

The Honorable Jim Murphy  
Chair, Fiscal Review Committee  
Missouri House of Representatives  
201 W. Capitol Ave., Rm. 320  
Jefferson City, Missouri 65101

**RE: ATA ACTION COMMENTS ON SB 79**

Dear Chair Murphy and members of the Fiscal Review Committee:

On behalf of ATA Action, I am writing to provide our comments on Senate Bill 79, including concerns with provisions regarding telehealth care.

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 coverage and fair payment 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 79 includes provisions which serve as an important step forward for Missouri's telehealth policy. This legislation would revise the definition of telehealth and telemedicine to explicitly clarify that audio-visual and audio-only technologies are included as modalities appropriate for the delivery of health care services. However, there are other provisions of the legislation regarding the use of questionnaires by telehealth providers and the establishment of the patient provider relationship which, if passed in their current form, could cause confusion for Missouri licensed providers.

ATA Action applauds the Legislature's attempt to establish a more technology-neutral definition of telehealth in Missouri. 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. Amending the definition of telehealth and telemedicine to include audio-only and audiovisual technologies will make it much easier for patients and providers to interact with each other whenever and wherever they need to. This provision will be especially beneficial to the Missourians who do not have access to the high-speed broadband capabilities necessary to operate audiovisual technologies.

Audio-only telemedicine has continued to be an important tool for patients in need of care, especially for mental health or for patients in rural areas. For example, in October of 2023, 10.6% of all telehealth claims in the Midwest (IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, WI) were for audio-only telehealth (3.8% for urban and 6.8% for rural).<sup>i</sup> Seventy-one percent of telehealth claims were for "mental health" telehealth services, meaning that audio-only care has proven crucial for delivery of mental health care.<sup>ii</sup>

**ATA ACTION**

901 N. Glebe Road, Ste 850 | Arlington, VA 22203  
Info@ataaction.org



While the proposed clarification of the definition of telemedicine will provide important certainty to telehealth providers, there are provisions regarding the use of questionnaires and the establishment of the patient-provider relationship which could have unintended consequences and cause confusion for healthcare providers.

Specifically, the requirement of 191.1146.2(3) that providers utilizing medical evaluation questionnaires provide a written report to the patient's primary health care provider within fourteen days of evaluation is arbitrary and unnecessary. There are many reasons why a patient may pursue telemedicine care from a provider who is not their primary provider and it should be the patient's choice, not a statutory requirement, to share the results of a questionnaire with their primary care provider. While ATA Action believes this arbitrary requirement should be struck entirely, should this section remain in the legislation amendments to better align this requirement with Missouri medical record law are essential. Specifically, language should be added to this section which states that the report to the primary care provider will be provided "when requested by the patient and in compliance with section 191.227," with 191.227 of the Missouri Revised Statutes governing the release of medical information.

Additionally, ATA Action suggests making small technical amendments to Section 334.108.3 to avoid a contradiction and maintain the legislation's intent of permitting the use of medical evaluation questionnaires to establish a patient-provider relationship. As currently drafted, this section could suggest that telemedicine alone cannot be used to properly prescribe a medication, which is contradictory to key updates the bill makes to Sec. 191.1146. Modifying this language to clarify that a patient simply contacting a healthcare provider via the internet or telephone is not sufficient to establish a patient-provider relationship, though as laid out in Sec. 191.1146, will reaffirm that it is permissible for a provider to establish a relationship with a patient via telemedicine. This can be accomplished by replacing the word telemedicine in section 334.108 with "the internet or telephone."

Thank you for your support of telehealth in Missouri. We urge you and your colleagues to consider the amendments outlined above before advancing this legislation in the interest of expanding access to affordable, high-quality health care across the state. Please do not hesitate to let us know how we can be helpful in your efforts to advance common-sense telehealth policy in Missouri. If you have any questions or would like to discuss the telehealth industry's perspective further, please contact me at [kzebley@ataaction.org](mailto:kzebley@ataaction.org).

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", is written over a light blue circular background.

Kyle Zebley  
Executive Director  
ATA Action



---

<sup>i</sup> American Medical Association FairHealth. (2024). Monthly Telehealth Regional Tracker, October 2023. <https://s3.amazonaws.com/media2.fairhealth.org/infographic/telehealth/oct-2023-midwest-telehealth.pdf>  
<sup>ii</sup> Ibid

CC  
The Honorable Kurtis Gregory  
Senator, District 21  
Missouri State Senate  
201 W. Capitol Ave., Rm. 433A  
Jefferson City, Missouri 65101