

May 20, 2020

The Honorable Tina Smith
United States Senate
720 Hart Senate Office Building
Washington, DC 20510

Re: Support for S. 3741 – The Health Care at Home Act

Dear Senator Smith:

On behalf of our physician and medical student members, the American Medical Association (AMA) is writing to **express our strong support for S. 3741, “the Health Care at Home Act.”**¹ Physician practices are working hard to quickly establish the ability to decrease patients’ risk of exposure to COVID-19 by providing care to patients through virtual means. However, the ability to access needed care through telemedicine will remain limited for many patients without legislative approval for health plans regulated by the Employee Retirement Income Security Act of 1974 (ERISA) to cover telehealth services.

Access to care via telehealth throughout this pandemic is proving particularly important especially for the elderly, individuals with chronic conditions, and patients with special mental health needs. However, while some health plans have taken voluntary steps to increase access to telehealth services, many efforts are insufficient. Limited access and a lack of uniformity remain among plans governed by ERISA. This leaves physicians and other health care providers unsure of whom, and under what conditions, they are permitted to provide medical services via telehealth. For example, health plans frequently have separate telehealth networks that may not include physicians who normally provide in-person care. In this situation, physicians may not be given the option to continue seeing their patients via telehealth. In other instances, the plan’s credentialing process to allow physicians to provide telehealth services is slow and cumbersome, leading to a long delay in much needed care. Moreover, some plans are requiring physicians to sign up with a specific telemedicine company to provide services or incentivizing or directing patients to a select telehealth provider for care, rather than the patient’s normal physician. This has led to a disruption in continuity of care and created additional anxiety and confusion for patients during an already stressful time.

Similar to the guidelines provided by Medicare, it is of the utmost importance that telehealth coverage is expanded to ERISA plans. As outlined in S. 3741, this coverage should include requiring that services provided via telehealth be reimbursed at the same rate as in-person services, allowing for the use of expanded modalities for the provision of telehealth to include telephone visits in addition to common audio-video technology, and enabling physicians to offer telehealth services to new and established

¹ <https://www.congress.gov/bill/116th-congress/senate-bill/3741/text?q=%7B%22search%22%3A%5B%22S.+3741%22%5D%7D&r=1&cs=1>.

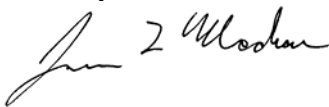
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patients. These changes will make it possible for ERISA plan patients to access the care they need without having to increase their risk of exposure by traveling to their physician's office or a hospital.

Telehealth is a vital tool for physicians and other health care professionals in caring for their patients while protecting them from COVID-19. Congress has an important role to play to help safeguard the health and safety of millions of Americans who are currently covered under ERISA plans by ensuring that they have access to care via telehealth. For these reasons, the AMA urges Congress to pass S. 3741.

Thank you in advance for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim L. Madara". The signature is written in a cursive, flowing style.

James L. Madara, MD