



November 18, 2020

The Honorable Mitch McConnell  
Senate Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Chuck Schumer  
Senate Minority Leader  
United States Senate  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

Dear Leader McConnell, Speaker Pelosi, Leader Schumer and Leader McCarthy:

On behalf of the Alliance of Community Health Plans (ACHP), thank you for your continued leadership in response to the COVID-19 pandemic. During this public health crisis, ACHP members have expanded benefits, supported local providers, waived cost sharing and premiums and worked on the frontlines coordinating care and supporting the more than 22 million Americans in the communities they serve.

One of the most important changes in health care delivery during the pandemic has been the unprecedented increase in availability and utilization of telehealth. Patients are accessing care where and when they need it - from their homes through their smart phones, tablets and telephone audio-only encounters. Telehealth has expanded access to high-quality care and patients report overwhelming satisfaction. This is not the time to go backward.

As telehealth has expanded access to care, testing for COVID-19 has been equally important in determining treatment paths. In the earliest days of the COVID-19 pandemic, before any guidance from the federal government, the ACHP Board of Directors voted to include coronavirus testing as a covered benefit. Our member companies have continued to expand coverage to treatment of COVID-19 in addition to testing. ACHP's member plans and providers are working together to maximize access to medically necessary tests for individuals who may be suffering from COVID-19 related conditions.

Drawing from the experience of our members, ACHP respectfully offers recommendations to immediately guarantee the continued success of telehealth and to ensure that Americans will have reliable testing for COVID-19 available without cost to the consumer.

### **Telehealth**

While ACHP strongly recommends permanent authorization of the current telehealth flexibilities, we recognize additional time may be needed. To provide stability through and beyond the current public health emergency, we offer the following immediate actions:

- ***Remove Obsolete Geographic Restrictions on Patient Access:*** Congress should permanently remove the statutory restrictions of Section 1834(m) of the Social Security Act on geographic and originating sites and allow beneficiaries to receive virtual care regardless of location, including in the home.
- ***Provide stability to seniors enrolled in Medicare Advantage and Accountable Care Organizations:*** ACHP urges Congress to authorize the flexibilities currently provided by CMS through at least December 31, 2022 to ensure that seniors enrolled in Medicare Advantage (MA) and Accountable Care Organizations (ACOs) have access to telehealth beyond the public health emergency. Outside of the public health emergency, MA plans can offer telehealth services as a supplemental benefit. Under current flexibilities, plans have been able to count telehealth as a covered benefit allowing them to deliver additional supplemental benefits to enrollees. Under law, MA bids for the next plan year are submitted the first Monday in June. Without certainty that telehealth will be covered during the plan year, plans will be forced to eliminate some benefits their enrollees currently enjoy to continue covering telehealth. Seniors who have come to rely upon telehealth should not be punished because of uncertainty about when telehealth coverage might expire. An extension through 2022 also provides CMS and MedPAC the opportunity to evaluate telehealth data to further guide Congress.
- ***Allow More Telehealth Providers and Telehealth Services:*** Provide HHS with the authority to expand the eligible provider list (including non-physician clinicians) for telehealth. After collecting data on provider and patient experience with telehealth, Congress should direct HHS to evaluate the services best suited for delivery via telehealth, remote monitoring and other emerging technologies.
- ***Create a pathway for value-based payment of telehealth in Medicare:*** ACHP urges Congress to consider a long-term solution for reimbursement of telehealth in Medicare fee-for-service to ensure a sustainable program for virtual care coverage and delivery. ACHP appreciates that there are concerns regarding the potential for overuse or misuse of virtual services. ACHP posits that it is the fee-for-service system that is cause for concern rather than telehealth and that developing a sustainable reimbursement mechanism based on value will mitigate many, if not all, of these concerns. ACHP is working with industry stakeholders on time certain pathways to value-based payment for telehealth in traditional Medicare.

As the COVID-19 pandemic rages, telehealth offers one of the most promising developments in health care today. We urge Congress to heed the message of constituents in advancing this fundamental tool of safe, convenient, efficient modern care delivery.

## Testing

At the same time, individuals, health care professionals, communities and public health departments must have access to COVID-19 tests where and when they are needed. To ensure this, ACHP urges Congress to enact a coordinated, national strategy for testing and contact tracing to provide accurate and timely results. ACHP offers the following recommendations to ensure that every American who needs a test has access to one at no cost.

- ***Develop a national, coordinated strategy for testing:*** Today, private payers, employers and states are being asked to bear the primary burden of determining who to test, when to

test, and how to test to re-open our economy. Testing should be a responsibility shared by government at all levels, employers, private health insurers, educational institutions and laboratories. All stakeholders should be part of developing solutions included in the national testing strategy. Development of the national strategy should be coordinated by the federal government in consultation with stakeholders.

- ***Increase funding for testing:*** A national crisis of this magnitude requires adequate federal funding. Congress should increase funding available to local, state and federal governments and provide testing for public health and safety.
- ***Differentiate public and private responsibility for testing:*** Congress must differentiate public and private responsibility for lab testing for COVID-19. Public health surveillance and other purposes for lab testing beyond tests required for managing a patient's disease should not fall on private payers and the consumers they serve. The government should be responsible for testing conducted for public health.

We look forward to continuing to work with you to improve the health of the nation. If you have any questions or need additional information, please contact Tricia Barrentine Guay, ACHP's Director of Legislative Affairs at [tguay@achp.org](mailto:tguay@achp.org) or (202) 897-6030.

Sincerely,



Ceci Connolly  
President & CEO

cc:

The Honorable Chuck Grassley  
The Honorable Ron Wyden  
The Honorable Lamar Alexander  
The Honorable Patty Murray  
The Honorable Richard Neal  
The Honorable Kevin Brady  
The Honorable Frank Pallone  
The Honorable Greg Walden