



July 14, 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, waived cost sharing and premiums and been 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.

Drawing from the experience of our member organizations, ACHP respectfully offers recommendations of legislative action to confirm the future of telehealth and embrace the possibilities of technology to improve health and health care.

ACHP Telehealth Priorities

1. Remove Obsolete Restrictions on the Location of the Patient

Social Security Act section 1834(m) geographic and originating site restrictions should be permanently removed to ensure that all patients can access care at home and other appropriate locations.

2. Allow for more telehealth providers and services

The Secretary of Health and Human Services (HHS) needs congressional authority to expand the list of eligible practitioners who may furnish and be reimbursed for clinically appropriate telehealth services. Additionally, the Secretary should be given the authority to add or remove eligible telehealth services – as demonstrated to be safe, effective and clinically appropriate – through a predictable regulatory process that gives patients and providers transparency and clarity.

3. *Permanently Include Telehealth in Medicare Advantage Risk-Adjustment*

To compete on quality and efficiency, Medicare Advantage (MA) plans rely on risk adjustment to provide appropriate funding to cover the higher expenses of some enrollees. Congress should authorize HHS to allow MA plans to use encounter data from telehealth visits for risk adjustment purposes. The ability to use claims data to better understand and predict an individual's risk is essential under normal circumstances, but even more so given the uncertain long-term implications of the COVID-19 pandemic. Without the continued ability to use data from face-to-face encounters and the expanded ability to include audio-only encounter data in MA risk-adjustment, unanticipated costs from seniors' comorbidities will not be adequately adjusted as a result of the public health emergency.

4. *Create Permanent Authority for Easing Licensure Restrictions*

Easing licensure restrictions is necessary to expand consumer access to clinicians and providers where they are and when they are needed. Before the COVID-19 pandemic, telehealth adoption was impeded due to clinicians and providers not being able to practice across state lines. The CMS 1135 waiver (issued on March 17, 2020) and the CMS COVID-19 Public Health Emergency Interim Final Rule (published on March 31, 2020) temporarily afforded providers the flexibility to practice across state lines, allowing health plans and providers to adjust for swells in telehealth demand. ACHP recommends Congress create a viable path forward for the "highway method," allowing federal funding for states who agree to licensure reciprocity explicitly for telehealth services.

5. *Expand Broadband Access*

Without equal access to high-speed broadband internet infrastructure, the country has unequal access to necessary medical care. A significant national undertaking, similar to the Rural Electrification Act of 1934 that provided electricity to every home in America, is needed to close the broadband divide.

ACHP members serving rural regions across the U.S. find that despite plentiful options for telehealth technology, many beneficiaries are left with limited options: landlines or driving to established facilities with broadband access. While the flexibilities that expanded use and reimbursement for audio-only services improved these beneficiaries' ability to receive services, this is not a long-term solution. Video is a necessary component for certain telehealth services and the lack of reliable video access as the result of slow internet speeds limits the range of services these beneficiaries are able to receive.

Moreover, patients with significant social needs are less likely to have access to broadband and consumer technologies that allow real time audio-video conferencing. Expanding broadband will help telehealth services reach patients who would most benefit from its use and be an important step toward reducing health care disparities.

Conclusion

While COVID-19 has exposed existing flaws in our health care system, it has also highlighted the incredible ability to provide high-quality health care through telehealth and virtual care. A telehealth model built on value-based foundations and clinical best practices is the future of financially stable and accessible health care: secure, personalized, convenient and clinically

effective. Congress should take immediate action to make telehealth a permanent part of health care delivery to benefit the health of patients.

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 or (202) 897-6030.

Sincerely,

A handwritten signature in cursive script that reads "Ceci Connolly".

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