



HEALTH CARE / OPINION

Here's my tipsheet for pending telemedicine legislation

Tear down any barriers to telehealth care

 **JOE KVEDAR** Nov 15, 2020

THE CHALLENGES presented by COVID-19 have resulted in unprecedented changes to healthcare systems nationwide. Before the pandemic, only 1 percent of all physician visits in the US were conducted via telehealth. That number spiked to almost 50 percent in just the first month of the public health emergency, according to Medicare claims data. While telehealth usage has stabilized since shutdowns went into full effect, the number of virtual visits remains much higher than before COVID-19.

Physicians, hospitals, and providers all over the nation are seeking guidance from their state government officials on how to properly implement and establish telehealth policies for the interest of their patients and consumers. In recent months, the Commonwealth of Massachusetts has lifted many restrictions on access to telehealth services, which has helped connect millions of patients with quality care from the comfort of their homes. As patients and healthcare providers continue to depend on virtual care, state legislators have grappled with crafting and advancing permanent policies that will protect access to telehealth for Bay Staters.

With a longstanding commitment to fostering innovation, addressing health disparities, and expanding access to quality healthcare, Massachusetts is well-positioned to pioneer progressive policies that encourage access to telehealth services for millions of patients. We can also further reinforce the role of virtual care as an essential option for healthcare delivery. Telehealth provides a pathway to improve access to healthcare for Bay Staters, including:

- People who live in rural areas do not often have access to transportation or work schedules that allow them to travel long distances for quality healthcare, particularly if they require care from a specialist.
- Families with challenging work schedules where care for parents or children make it difficult or impossible for them to visit a doctor or healthcare center in person.
- People who are homebound or have limited mobility or other health challenges that make it challenging to access in-person care.
- Patients who may be intimidated or anxious about seeking care for sensitive health issues, including family planning, behavioral health, and many women's and men's health services.

As president of the American Telemedicine Association, I am very proud of our mission to promote a healthcare system where people can access safe, effective, and appropriate care while enabling clinicians to do more good for more people. To address global challenges driven by rising healthcare costs, an aging population, variation in quality and outcomes,

and an inadequate number of clinicians, the American Telemedicine Association advocates for the broader use of technology to reimagine healthcare and supports policies that will ensure that all people receive appropriate care where and when they need it.

As a Massachusetts resident and healthcare provider at Massachusetts General Hospital, I am closely tracking a state telehealth bill now in a legislative conference committee. Importantly, I believe the Legislature deserves praise for seeking to update the telehealth laws in Massachusetts in light of the huge expansion of telehealth utilization this year.

As state legislators on the conference committee consider finalizing this legislation, we strongly urge them to include coverage parity for telehealth services in both MassHealth and private insurance policies. Additionally, in terms of reimbursement, the association believes that a practitioner that delivers services via telehealth should be compensated, by either MassHealth or private insurance, at a fair payment rate. The payment should reflect the ongoing investment necessary to ensure virtual care platforms are continuously maintained and seamlessly updated and that services can continue to expand as needed.

The American Telemedicine Association has also encouraged legislators to reconsider policies that would limit reimbursement for telehealth services and require patients to have an initial in-person exam before they can access virtual care with that same physician. Mandating an in-person visit before a provider can prescribe for treatment through telehealth encounters will create a barrier to care. If this bill were to become law, Massachusetts would stand alone in the nation as the only state to pass this requirement, which is the biggest barrier to virtual care.

Now is a time when federal and state leaders should encourage more patients to leverage appropriate telehealth services to promote social distancing and maximize healthcare resources. In addition, the association recommends that the Legislature should avoid establishing unique conditions for coverage of healthcare services delivered via telehealth, including imposing originating site restrictions, distinguishing between patients in rural or urban locations, and enforcing geographic or distance-based requirements.

The association holds a firm position that tech-enabled healthcare delivery policies should be modality neutral and enable a healthcare professional to practice optimally. Rather than mandating that specific and limited telehealth technologies must always be used in delivering care, we propose that the Legislature develop a regulatory framework that empowers providers. This regulatory framework should enable providers to use their clinical judgment to determine the appropriate telehealth modalities (whether synchronous or asynchronous) to uphold the highest possible standards of care and serve all patients' best interest. Technology-neutral language will also provide flexibility to more rapidly adopt emerging clinical technologies that contain costs and improve quality.

Telehealth services have been a vital option in healthcare for many years. The use of these services is positioned to expand rapidly in the future, with the potential for broad health and economic benefits. Increased access to appropriate telehealth services will require the support of policymakers across the country. To maintain the expanded access to virtual care Bay Staters have gained in recent months, Massachusetts must act now to adjust regulatory frameworks and further strengthen the foundation brought about by the rapid growth of telehealth during COVID-19. The American Telemedicine Association stands ready to help Massachusetts state legislators navigate telehealth issues in the months ahead and ensure virtual care can support patients and providers for years to come.

Dr. Joe Kvedar is president of the American Telemedicine Association and is a board-certified dermatologist and professor of dermatology at Harvard Medical School. In addition to his clinical role, Kvedar is also senior advisor, virtual care at Mass General Brigham, where he is applying his expertise to advance the adoption of telehealth and virtual care technologies.

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