

August 19, 2020

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Trump:

The American Hospital Association (AHA) was pleased to see the Aug. 3, 2020 Executive Order on improving rural health and telehealth access. The order includes directives to: launch a new payment model for rural health care; develop and implement a strategy to improve rural health care infrastructure; create a report describing policy initiatives to improve rural health; and propose regulation that would extend certain telehealth flexibilities. Today, we write to recommend actions the Department of Health and Human Services (HHS) should take in response to the telehealth provisions of the order. **We believe the recommendations discussed below would support continued patient access to telehealth services after the expiration of current COVID-19 public health emergency declarations.** We will be providing additional input on the rural health provisions of the order in a separate communication.

To date, HHS and the Centers for Medicare & Medicaid Services (CMS) have provided numerous, critical telehealth flexibilities that have enabled our members to better serve their communities during this pandemic by greatly increasing access to virtual visits. These changes helped ensure that only those patients who absolutely require in-person visits leave their homes for medical care. The AHA and our members appreciate the speed at which the Administration has acted to allow hospitals to preserve in-person capacity for the sickest patients and continue to serve other patients via telehealth.

Patients have been empowered by this flexibility to seek and receive virtual care at all of the places they can currently access in-person care, including hospital outpatient departments. They have found that the convenience, quality and ease of receiving care in this manner helps accommodate their individual needs and lifestyles, creating a more patient-centered care experience. **As such, it is imperative that hospitals and health systems be able to continue providing high-quality virtual care for their patients and communities.** As a first step to doing so, hospitals and health systems must be recognized as entities that can deliver telehealth services. **To that end, we urge the Administration to work with the AHA and Congress to create a future for**



telehealth that allows not only clinicians, but also hospitals and health systems, to code and bill for virtual services.

To enable the most efficient and effective provision of telehealth to their patients, our members also need assurance that the flexibilities implemented during the pandemic will continue beyond its end.

Specifically, we urge HHS and CMS to permanently:

- **Expand the list of Medicare telehealth services to include services that were added during the COVID-19 pandemic and maintain the subregulatory process for adding additional services to the list;**
- **Allow virtual check-ins and e-visits to be used for new and established patients;**
- **Allow remote patient monitoring to be used for new and established patients, and for acute and chronic conditions; and**
- **Allow direct supervision to be provided using real-time, interactive audio and video technology.**

We further urge CMS and HHS to continue to provide hospitals with the flexibility for annual beneficiary consent to telehealth treatment to be obtained at the same time, and not necessarily before, services are furnished. In addition, hospitals should retain the ability to capture during telehealth visits diagnoses impacting risk adjustment. Finally, we strongly recommend HHS and CMS develop a mechanism to cover and pay for audio-only telehealth services, given the essential role of such services in ensuring rural patients stay connected to their providers. We thank CMS for proposing this idea in the recently released calendar year 2021 physician fee schedule proposed rule, and we will comment more fully on it and on the agency's other telehealth proposals in our response to the rule.

We greatly appreciate your leadership and ongoing efforts to support telehealth and other remote services. We look forward to continuing to work with you during and beyond this critical time to protect our nation's health. Please contact me if you have questions or feel free to have a member of your team contact Shira Hollander, senior associate director of policy, at shollander@aha.org.

Sincerely,

/s/

Richard J. Pollack
President and Chief Executive Officer

cc: The Honorable Alex M. Azar
The Honorable Seema Verma