

Pandemic's telehealth advances will be lost if Congress doesn't act

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The pandemic has proven telehealth is a critical part of effective, efficient and equitable health care, and the AMA is encouraging Congress to act now so patients don't lose the option of connecting with their physicians through this convenient, accessible mode of care.

In written testimony submitted to the House Ways and Means Subcommittee on Health hearing titled "Charting the Path Forward on Telehealth," the AMA encouraged Congress to modernize the Social Security Act so that Medicare can continue to pay for telehealth services without the restrictions in current law after the public health emergency (PHE) declaration expires.

A waiver put in place by the Centers for Medicare & Medicaid Services following passage of the Coronavirus Aid, Relief and Economic Security Act during the pandemic lifted outdated restrictions on how and when Medicare patients can access virtual care, but it will expire once the PHE ends.

"Without further legislative action from Congress, Americans who have come to rely on telehealth services during the PHE will abruptly lose access to these services completely. Congress must act now to remove the origination and geographic restrictions on telehealth coverage for Medicare patients," the AMA said in its testimony supporting "The Telehealth Modernization Act of 2021," S. 368/H.R.1332. The bills have bipartisan support.

Learn more about this legislation that would nix geographic and site restrictions on telehealth.

New payment rules a must

The AMA's written testimony also encourages Congress to:

- Continue covering audio-only services because there are many patients and entire communities without adequate internet access or technology necessary to use audiovisual

services.

- | Expand high-speed broadband internet access and increase digital literacy education efforts to make telehealth more equitable.
- | Continue to support remote patient monitoring services so physicians can monitor chronic conditions and adjust treatments without patients having to leave home.

Find out how the AMA is advancing telemedicine during the COVID-19 pandemic.

Once the PHE waiver expires, Medicare will again be prohibited from covering and paying for telehealth services delivered via two-way-audio-visual technology unless care is provided at an eligible site in a rural area. That means patients—except in a few cases where Congress has allowed telehealth services in an individual's home—must live in an eligible rural location and then must travel to a qualified health care facility to access telehealth.

"While these restrictions may have made sense given the limited technologies available when they were first instituted in the Balanced Budget Act of 1997, two-way audio-visual technology is now much more widely available and less expensive," the AMA's testimony says.

Low or no payment is physicians' biggest concern about being able to provide telehealth to patients after the pandemic, according to the recent "COVID-19 Telehealth Impact Study." Nearly three-quarters of physicians who responded to the survey flagged that as a barrier to continuing virtual care.

Further, if physicians knew telehealth services were going to be covered post-pandemic they would be more confident now to invest in new technology. The additional financial stability that accompanies a physician's Medicare patient population permanently being eligible for telehealth services will undoubtedly help provide the necessary certainty to ensure the availability of these services well into the future. The AMA noted that Congress has been trying to get physicians to adopt innovative ways to deliver care for years, including through Medicare's Quality Payment Program.

"The rapid adoption of telehealth by physicians in 2020 was one of the most significant improvements in health care delivery in decades," the AMA's testimony says. "The successful adoption of telehealth throughout the country has demonstrated that if the financial barriers are removed, physicians will adopt important innovations in the delivery of care that are necessary to improve their patients' health."

Fraud concerns unfounded

Lawmakers' concerns about fraud, abuse and overuse are misplaced because the government already has tools to combat these problems. The AMA noted in its testimony that "telehealth services may prove even easier to monitor for fraud and abuse because of the digital footprint created by their

service, state practice of medicine laws requiring documentation of these services, and the ability to track their usage with Modifier 95."

Arbitrary barriers to telehealth services would have a negative impact on patients seeking care, the AMA noted.

The AMA's Telehealth Implementation Playbook walks physicians through a 12-step process to implement real-time audio and visual visits between a clinician and a patient now and as they continue to implement telehealth beyond the pandemic.