

Congress of the United States
Washington, DC 20510

December 4, 2020

The Honorable Mitch McConnell
Senate Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Senate Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, D.C. 20510

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

As we near the end of the year and the 116th Congress, we urge you to include provisions in end of the year legislation to make permanent expanded coverage of Medicare telehealth services. Specifically, immediate action to permanently waive geographic restrictions for originating sites, authorize health centers in rural and underserved areas to provide telehealth, and allow beneficiaries to use telehealth in their homes would be key steps to ensure much-needed certainty about Medicare telehealth coverage for health care providers and to improve access to care for patients.

Telehealth has been a critical tool during the COVID-19 pandemic in ensuring that patients can continue to receive the health care services that they need while minimizing the spread of the virus and keeping health care providers and patients healthy and safe. Telehealth is also important in increasing capacity at health care facilities and reducing health care providers' use of scarce personal protective equipment. For these reasons, the Centers for Disease Control and Prevention issued guidance at the beginning of the pandemic advising individuals and health care providers to optimize the use of telehealth services.¹

The *Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020* and the *Coronavirus Aid, Relief, and Economic Security Act* included provisions from our bipartisan *CONNECT for Health Act* to increase access to telehealth services for Medicare beneficiaries during the COVID-19 pandemic. As a result, waivers of statutory geographic and originating site restrictions have allowed Medicare beneficiaries to use telehealth services in all areas of the country, as well as in their homes. In addition, more types of health care providers including health centers in rural and underserved areas, are authorized to provide distant site telehealth services, among other important flexibilities.

¹ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-hcf.html>.

This new authority resulted in a rapid increase in telehealth utilization. An early analysis of the expansion of Medicare telehealth coverage during the pandemic shows that before the public health emergency, about 13,000 beneficiaries in fee-for-service Medicare received telehealth services in a week, but by the last week of April, nearly 1.7 million beneficiaries received telehealth services. The Centers for Medicare & Medicaid Services (CMS) also found that beneficiaries are getting care through telehealth at similar rates across demographics. In response to these findings, CMS stated that, “The rapid adoption of telemedicine among providers and patients has shown that telehealth is here to stay.”²

However, the authority for this expanded coverage of Medicare telehealth services is temporary and tied to the COVID-19 public health emergency declaration, which is renewed in three-month increments. We continue to hear from our constituents and health care providers that the uncertainty about the long-term future of Medicare telehealth coverage is a barrier to organizations investing fully in telehealth—even now during the pandemic. Ramping up telehealth requires significant costs—including the purchase of equipment such as tablets and webcams, telehealth platforms, additional staff, provider training, and changes to electronic health records, billing, and patient engagement processes. Without more certainty about the future of Medicare coverage, many organizations are not investing in all of these areas to optimize the use and availability of telehealth.

Therefore, Congress needs to act now to better serve patients and health care providers during the pandemic, and to ensure that telehealth remains an option after the pandemic is over. We understand that further data analysis is underway to assess the impact of the telehealth changes that have been available during the public health emergency. However, to fully benefit from telehealth during the pandemic, there are steps Congress should take before the end of the year to expand access to telehealth with appropriate guardrails and beneficiary protections.

In particular, Congress should immediately provide permanent authority to waive or remove the geographic restrictions on originating sites in section 1834(m) of the Social Security Act so that a beneficiary’s ability to receive telehealth services is no longer based on where he or she lives. Services that CMS has determined to be clinically appropriate to be delivered through telehealth should be available to all beneficiaries, not just some. CMS concurs, stating that “The data have shown that telehealth can be an important source of care across the country, not just for those living in rural areas.”³

We also urge action to permanently authorize Federally Qualified Health Centers and Rural Health Clinics to provide distant site telehealth services and to allow patients to receive clinically appropriate telehealth services in their homes. These actions would address the restrictions on originating sites that CMS has stated are the greatest barriers to the expansion of Medicare telehealth services as well as ensure that health centers can continue their pivotal role in providing health care in rural and underserved areas.⁴

² <https://www.healthaffairs.org/doi/10.1377/hblog20200715.454789/full/>.

³ <https://www.healthaffairs.org/doi/10.1377/hblog20200715.454789/full/>.

⁴ <https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Information-on-Medicare-Telehealth-Report.pdf>.

Telehealth is an area of strong bipartisan support, and Congress can, and should, act now to lead the way in ensuring expanded access to telehealth. We appreciate your collaboration on this important issue.

Sincerely,

/s/ Brian Schatz
BRIAN SCHATZ
United States Senator

/s/ Mike Thompson
MIKE THOMPSON
Member of Congress

/s/ Roger F. Wicker
ROGER F. WICKER
United States Senator

/s/ Peter Welch
PETER WELCH
Member of Congress

/s/ Benjamin L. Cardin
BENJAMIN L. CARDIN
United States Senator

/s/ Bill Johnson
BILL JOHNSON
Member of Congress

/s/ Mark R. Warner
MARK R. WARNER
United States Senator

/s/ David Schweikert
DAVID SCHWEIKERT
Member of Congress

/s/ Cindy Hyde-Smith
CINDY HYDE-SMITH
United States Senator

/s/ Doris Matsui
DORIS MATSUI
Member of Congress

/s/ Thom Tillis
THOM TILLIS
United States Senator

/s/ Jacky Rosen
JACKY ROSEN
United States Senator

/s/ Chris Van Hollen
CHRIS VAN HOLLEN
United States Senator

/s/ Tim Kaine
TIM KAINÉ
United States Senator

/s/ Kevin Cramer
KEVIN CRAMER
United States Senator

/s/ Kyrsten Sinema
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United States Senator

/s/ Tina Smith
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United States Senator

/s/ Jeanne Shaheen
JEANNE SHAHEEN
United States Senator

/s/ John Boozman
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/s/ Tim Scott
TIM SCOTT
United States Senator

/s/ Angus S. King, Jr.
ANGUS S. KING, JR.
United States Senator

/s/ Rand Paul, M.D.
RAND PAUL, M.D.
United States Senator

/s/ Susan M. Collins
SUSAN M. COLLINS
United States Senator

/s/ Shelley Moore Capito
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United States Senator

/s/ M. Michael Rounds
M. MICHAEL ROUNDS
United States Senator

/s/ Christopher S. Murphy
CHRISTOPHER S. MURPHY
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United States Senator

/s/ Christopher A. Coons
CHRISTOPHER A. COONS
United States Senator

/s/ Jon Tester
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United States Senator

/s/ Lamar Alexander
LAMAR ALEXANDER
United States Senator

/s/ Elizabeth Warren
ELIZABETH WARREN
United States Senator

/s/ Richard Blumenthal
RICHARD BLUMENTHAL
United States Senator

/s/ Martin Heinrich
MARTIN HEINRICH
United States Senator

/s/ Steve Daines
STEVE DAINES
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/s/ David B. McKinley, P.E.
DAVID B. MCKINLEY, P.E.
Member of Congress

/s/ Bruce Westerman
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/s/ Greg Stanton
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/s/ David N. Cicilline
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/s/ Joyce Beatty
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/s/ Michael Guest
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/s/ Brendan F. Boyle
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/s/ Tom Cole
TOM COLE
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/s/ Trent Kelly
TRENT KELLY
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/s/ Chrissy Houlahan
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/s/ Jeff Van Drew
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/s/ Ron Kind
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