



## **Federal and State Policies Should Foster the Growth of Telehealth Services that Promise to Improve Access to Quality, Affordable Health Care**

**Issue:** State laws and regulations affect the ability to provide telehealth services, the conditions under which providers can offer them, and the cost of provision of these services. Provider licensure laws, facility requirements, the scope of services telehealth providers can offer, health care liability considerations, and payment regulations all impact the availability and cost of telehealth services. States with unnecessarily restrictive laws and regulations also make telehealth services more costly and less accessible for people in those states. Variations in the laws and rules among the states make it more difficult for multistate employers to offer telehealth services and they raise the costs of doing so.

As the technology continues to advance, more providers and health care systems are incorporating various aspects of telehealth into health care delivery. There is growing evidence about the benefits that the utilization of telehealth can have in both reducing costs for health care and increasing access to specialty and routine health care services. As employers grapple with creative and innovative approaches to addressing health and wellness in the workplace, many employers are considering adding telehealth to the line-up of health benefits provided to employees. In a [2016 survey](#), 90% of employers stated that they expect to make telehealth services available to employees where it is allowed. Additionally, 34% of employers offer telebehavioral health services.

Federal health care programs often influence plan design and program benefits offered by private insurers. Several federal programs, including Medicare, Medicaid and the Department of Veterans Affairs are currently using a variety of approaches to telehealth, all of which are expanding the opportunities for telehealth services, that could inform broader efforts within the health care system.

The Federation of State Medical Boards (FSMB) finalized a Model Policy on the Appropriate Use of Telemedicine Technologies in the Practice of Medicine with a number of provisions that would encourage states to implement and utilize telehealth.

Members of Congress have introduced [a bill](#) that would address these concerns that would:

- Establish a federal “telehealth” standard that would ensure that any state licensed health care professional (including nurses, nurse practitioners, etc.) could deliver high quality health care services from any location;
- Include a broad definition of “health care professionals”, which is necessary to respond to the current and projected shortage of primary care physicians and Registered Nurses (RN), and to transition towards team-based coverage and coordinated care under patient-centered medical homes (PCMHs) and ACOs; and
- Urge the states to pass laws that would allow the establishment of physician-patient relationships for telehealth services to be made electronically, as long as physicians’ have the medical histories and current information about patients’ medical care and

conditions prior to initial telehealth consultations.

**Position:** The National Business Group on Health representing approximately 422, primarily large, employers (including 72 of the Fortune 100) who voluntarily provide generous health benefits and other health programs to over 55 million American employees, retirees, and their families supports telehealth policies that:

- Maintain maximum flexibility for employers to offer telehealth services to their populations (including access across state lines, increasing rural access, etc.)—without having to deal with different providers' licensure, facilities', and scope of services requirements;
- Use telehealth to supplement, but **not** supplant or substitute regular sources of care, particularly primary care;
- Assure that telehealth augments and improves the quality and coordination of care and is not detrimental to it and does not further fragment care;
- Cover a wide array of technologies (video conferencing, telephone and telephone-only, store and forward technologies, remote patient monitoring and mobile health (mhealth) technologies) to deliver telehealth services;
- Recognize appropriate limits and conditions on the use of telehealth for controlled substances and other medications where appropriate physicians' supervision is desirable (e.g., narcotics or some mental health medications);
- Ensure that telehealth does not promote wasteful, unnecessary or fraudulent care; and
- Ensure that telehealth providers follow all applicable state and federal privacy and information security rules/laws.

**The National Business Group on Health strongly supports legislation that would promote telehealth services nationwide by setting a federal standard for telehealth and removing restrictions on:**

- The sites that can deliver telehealth services;
- The types of licensed health care providers and the technologies they can use to deliver these services; and
- The ability to establish physician-patient relationships electronically.

**The National Business Group on Health also strongly supports the portions of the FSMB's telemedicine policy encouraging the states to require telehealth providers to:**

- Integrate telehealth with traditional medical care services to truly coordinate care; and
- Allow for the prompt referral of patients for in-person care in emergencies.