



June 14, 2024

The Honorable Richard D. Roth  
Chair, Committee on Health  
California State Senate  
1021 O Street, Suite 7510  
Sacramento, CA 95814-4900

The Honorable Janet Nguyen  
Vice-Chair, Committee on Health  
California State Senate  
1021 O Street, Suite 7130  
Sacramento, CA 95814-4900

**RE: ATA ACTION SUPPORT FOR ASSEMBLY BILL 2339**

Dear Chair Roth, Vice-Chair Nguyen and members of the Committee on Health,

On behalf of ATA Action, I am writing to express support for AB 2339 related to Medi-Cal telehealth policy.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services across the care continuum. ATA Action supports the enactment of state and federal telehealth coverage and fair payment policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

This legislation includes multiple provisions that will serve as strong steps forward for California Medi-Cal telehealth policy and help to expand patient ease and access to care. This legislation will expand covered healthcare services to include asynchronous electronic transmissions initiated directly by patients, expands the exception to establishing a relationship via synchronous modalities to include asynchronous modalities and allows for patients to request to establish a relationship through audio-only modalities and asynchronous modalities without attesting that they do not have access to video-based modalities.

ATA Action believes that so long as the provider obtains the patient's consent for the use of telehealth services, verifies the patient's identity, and discloses his or her own identity and credentials he or she should be able to use any appropriate telehealth modality that is sufficient to evaluate and treat the patient for the condition presented – whether it be a synchronous or asynchronous modality. This increased flexibility, for both asynchronous modalities and audio-only modalities, will not only ensure Californians enrolled in Medi-Cal have the same patient choice and access to telehealth modalities as commercial patients, it also has the potential to make care much easier to access for those in rural and underserved communities whose only practical option to initiating care may be asynchronous modalities.

This change will also help to better align California policy with the policy principles enumerated in the Federation of State Medical Board's ("FSMB") most recent update *Model Policy for the Appropriate Use*

**ATA ACTION**

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of *Telemedicine Technologies in the Practices of Medicine*,<sup>1</sup> which was ratified by the organization in April 2022. Founded in 1912, The FSMB comprises over 70 state medical boards across the country, and develops policy recommendations for the practice of medicine stemming from the expertise of its membership. In its “Standard of Care” section of the previously mentioned report, the FSMB articulates that “a physician patient relationship may be established via either synchronous or asynchronous telemedicine technologies without any requirement of a prior in-person meeting, so long as the standard of care is met,” a policy which AB 2339 will help make a reality for Medi-Cal patients.

We thank you for the opportunity to comment. We urge you and your colleagues to support AB 2339 in the interest of ensuring efficient and effective access to high-quality, affordable health care. Please do not hesitate to let us know how we can be helpful in your efforts to advance common-sense telehealth policy in California. If you have any questions or would like to discuss the telehealth industry’s perspective further, please contact me at [kzebley@ataaction.org](mailto:kzebley@ataaction.org).

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", written in a cursive style.

Kyle Zebley  
Executive Director  
ATA Action

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<sup>1</sup> Federation of State Medical Boards, *The Appropriate Use of Telemedicine Technologies in the Practice of Medicine*, April 2022, <https://www.fsmb.org/siteassets/advocacy/policies/fsmb-workgroup-on-telemedicineapril-2022-final.pdf>.