

July 19, 2024

The Honorable Mike Johnson  
Speaker of the House  
H-232 Capitol Building  
Washington, DC 20515

The Honorable Chuck Schumer  
Senate Majority Leader  
S-221 Capitol Building  
Washington, DC 20510

The Honorable Hakeem Jeffries  
House Democratic Leader  
H-204 Capitol Building  
Washington, DC 20515

The Honorable Mitch McConnell  
Senate Republican Leader  
S-230 Capitol Building  
Washington, DC 20510

Dear Speaker Johnson, Leader Jeffries, Leader Schumer and Leader McConnell:

On behalf of the signatories below, we thank you for your ongoing efforts to advance access to healthcare through telehealth. We write today to urge swift action on legislation that would extend current Medicare telehealth flexibilities.

We have seen an unprecedented expansion in access to crucial health services for those Medicare beneficiaries who need it most due to the availability of telehealth. Enhanced access to telehealth services serves as a lifeline to patients across the country, allowing patients to access critical healthcare services even when they have barriers to accessing in-person care, such as weakened immune systems, transportation challenges, geographic distance, or frailty. Telehealth plays an important role in our healthcare delivery system, ensuring greater access to high-quality healthcare services and improving health equity. These services should continue to be leveraged to enhance patient experiences, improve health outcomes, and reduce healthcare costs.

Congress recognized the importance of enhanced access to telehealth with passage of the Consolidated Appropriations Act, 2023 (CAA, 2023) in December 2022, which extended PHE-related telehealth flexibilities through December 31, 2024. We were pleased this two-year extension was enacted, as it provided some length of certainty for patients and providers. However, we now face a deadline once again. While our priority is legislation that would establish permanent Medicare telehealth policies, we recognize achieving this goal could be a multi-year process. As such, in the meantime, it is imperative that Congress act to temporarily extend the Medicare telehealth flexibilities well in advance of the December 31, 2024, expiration date.

On July 10, 2024, the Centers for Medicare & Medicaid Services (CMS) released the proposed CY 2025 Medicare Physician Fee Schedule (PFS) rule. CMS made clear its limited ability to provide coverage and payment for telehealth services without further congressional action. More specifically, short of a statutory change, restrictions on geography, site of service, and practitioner type that existed prior to the PHE will go back into effect on January 1, 2025 – cutting off the majority of access to telehealth for Medicare fee-for-service beneficiaries. After that date, people with Medicare will need to be in a rural area and in a medical facility to receive most Medicare services via telehealth.

If legislation is not passed before CMS PFS rulemaking for CY 2025 is complete, which we expect will occur by November 1, CMS will be left with no option but to finalize the policies it has proposed that do not account for the continuation of the PHE flexibilities, even if Congress later acts to extend the policies.

Telehealth is a strongly supported, bipartisan issue, as evidenced by recent unanimous votes in two House Committees. On May 8, 2024, the House Ways and Means Committee unanimously advanced a two-year extension of Medicare telehealth flexibilities as part of the Preserving Telehealth, Hospital, and Ambulance Access Act (HR 8291). The House Energy and Commerce Committee is also working on a two-year extension bill, with an updated version of the Telehealth Modernization Act (HR 7623) passing unanimously out of the Health Subcommittee on May 16, 2024.

However, the timeline is extremely short to advance legislation that would address the looming year-end deadline. It is critical that both the House and Senate advance telehealth legislation before the August recess to provide clarity that care will continue for millions of Medicare beneficiaries.

Sincerely,

Partnership to Advance Virtual Care  
Consumer Technology Association  
American Telemedicine Association  
ATA Action  
College of Healthcare Information Management Executives  
Connected Health Initiative  
Alliance for Connected Care  
Health Innovation Alliance  
Healthcare Information and Management Systems Society