

Congress of the United States
Washington, DC 20515

March 23, 2020

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
S-230, U.S. Capitol
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
S-220, U.S. Capitol
Washington, D.C. 20510

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

Thank you for your tireless efforts to ensure our nation's health care providers have the resources they need to effectively prepare for and respond to the coronavirus (COVID-19) pandemic. As both chambers continue to work on vital legislation to address this public health crisis and economic fallout, we write to you to highlight a critical flaw in the Medicare telehealth program and ask you to prioritize a solution in forthcoming legislation.

While the Administration has acted to encourage the use of telehealth in order to prevent unnecessary travel and face-to-face interactions, our nation's safety net providers, in rural health clinics (RHCs) and federally qualified community health centers (FQHCs), are currently unable to provide distant site telehealth visits to their patients under Medicare. Until we resolve this, Medicare patients who receive their care from physicians and practitioners in RHCs and FQHCs must physically come into the RHC or FQHC to receive care. At a time when the Centers for Disease Control and Prevention (CDC) is encouraging elderly and higher risk citizens to stay at home and seek care remotely, the status quo is particularly problematic.

The Centers for Medicare and Medicaid Services (CMS) has confirmed to Congressional offices a statutory fix is necessary and the Administration's emergency waiver authority cannot resolve this issue. Thankfully, there is already legislative language in the bicameral and bipartisan CONNECT for Health Act (H.R. 4932, S. 2741). Specifically, Section 7 of this measure would allow physicians and practitioners in RHCs and FQHCs to provide telehealth visits to their patients just like their peers in fee-for-service settings.

We have seen a draft legislative solution which involves establishing a new and specific payment code just for RHCs and FQHCs based on the composite of fee schedule rates instead of paying them through their normal reimbursement mechanisms. However, we fear if done improperly, this composite payment approach could be financially disastrous for RHCs and FQHCs, many of which are already operating on very thin margins.

As we work expeditiously to bolster our nation's capability to defeat the COVID-19 pandemic, it is essential we give safety-net physicians and practitioners the telehealth tools they need to safely provide care.

We appreciate your attention to this important matter and urge you to adopt the language from Section 7 of the CONNECT for Health Act to resolve this flaw. Please do not hesitate to contact our offices if we can answer any questions.

Sincerely,



Tom O'Halleran
Member of Congress



Adrian Smith
Member of Congress

MEMBERS SIGNING

Rep. Terri Sewell
Rep. Ben McAdams
Rep. Rick Crawford
Rep. Brian Fitzpatrick
Rep. Raul Grijalva
Rep. Rodney Davis
Rep. Robert B. Aderholt
Rep. Elise Stefanik
Rep. Chrissy Houlahan
Rep. Don Young
Rep. Sanford Bishop
Rep. Mike Doyle
Rep. Lloyd Smucker
Rep. Glen Grothman
Rep. Jeff Fortenberry
Rep. Angie Craig
Rep. Don Bacon
Rep. Joe Neguse

Rep. Mike Bost
Rep. Anne McLane Kuster
Rep. Cindy Axne
Rep. Suzan DelBene
Rep. Xochitl Torres Small
Rep. Ruben Gallego
Rep. Peter DeFazio
Rep. Ben Cline
Rep. Vicente Gonzalez
Rep. Dave Loebsack
Rep. Juan Vargas
Rep. Jason Smith
Rep. Darin LaHood
Rep. Bill Foster
Rep. Kendra Horn
Rep. Joseph P. Kennedy III
Rep. Susie Lee
Rep. Bennie Thompson