State Telehealth Policy Landscape
Sydne Enlund | Senior Policy Specialist, NCSL Health Program
Agenda

What Is Telehealth?

Federal Telehealth Actions

State Telehealth Actions

Engaging State Legislators
Strengthening the legislative institution
How NCSL Strengthens Legislatures

Policy Research
NCSL provides trusted, nonpartisan policy research and analysis

Connections
NCSL links legislators and staff with each other and with experts

Training
NCSL delivers training tailored specifically for legislators and staff

State Voice in D.C.
NCSL represents and advocates on behalf of states on Capitol Hill

Meetings
NCSL meetings facilitate information exchange and policy discussions
**Telehealth**

The use of electronic information and telecommunications technologies to provide care when the patient and provider are not in the same place at the same time. There are three primary modalities:

<table>
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<tr>
<th>Live Video</th>
<th>Store-and-forward</th>
<th>Remote Patient Monitoring</th>
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<tbody>
<tr>
<td>• Allows patients to connect synchronously with providers via video conference.</td>
<td>• Transmission of data, images, sound or video from one care site to another for evaluation.</td>
<td>• Collection of a patient’s health data while the patient is at home or another site and transferring the data to a remote provider for monitoring and response as needed.</td>
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Federal Actions: Medicare Telehealth Flexibilities

- Lifting originating/distant site restrictions
- Expanding acceptable telehealth modalities
- Authorizing additional providers to seek Medicare reimbursement
- Expanding list of services delivered through telehealth
- Requiring reimbursement for telehealth to be equal to in-person care
State Telehealth Policy Levers

- Medicaid
- Private Insurance
- Cross State Licensing
- Telehealth Modalities
- Authorized Telehealth Providers
- Authorized Services for Telehealth
- Site Restrictions
- Teleprescribing
- Patient-Provider Relationship
- And more!
State Actions: Audio-Only

Audio-only reimbursement was rare prior to the pandemic. Twenty-nine states and D.C. now reimburse in some way for audio-only telehealth services through their state Medicaid program.

Source: NCSL, CCHP
State Actions: Private Insurance

Telehealth Private Insurance Laws: 2012

Source: Center for Connected Health Policy (CCHP)

Telehealth Private Insurance Laws: 2022

Sources: NCSL, CCHP and Foley
State Actions: Private Insurance

Coverage and Payment Parity: 2022

Source: NCSL, CCHP and Foley
## State Actions: Medicaid

<table>
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<th>Medicaid Reimbursement for Telehealth</th>
<th>2013</th>
<th>2022</th>
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<tr>
<td>Live Video Visits</td>
<td>44</td>
<td>50 + District of Columbia</td>
</tr>
<tr>
<td>Store-and-Forward</td>
<td>6</td>
<td>25</td>
</tr>
<tr>
<td>Remote Patient Monitoring</td>
<td>6</td>
<td>30</td>
</tr>
</tbody>
</table>

Source: CCHP
State Actions: Cross State Licensing

- Active compacts:
  - Physicians
  - Nurses
  - Physical therapists
  - Psychologists
  - Emergency Medical Services Personnel
  - Audiologists and Speech Pathologists

Source: CCHP
State Actions: Cross State Licensing

• Some states—such as Arizona, Florida and West Virginia—allow for interstate licensing for providers other than physicians (including athletic trainers).

Grand Canyon  Everglades  River Gorge
Let’s take a step back for a second!

How should you engage state legislators on key priorities?
○ Every state legislature is made up of varying number of legislators
○ Understand the legislative process
○ Know your state legislative calendar
○ Information on your state legislature
○ Elections

State Legislatures
What You Need to Know
State Legislators

Who They Are
- Citizen vs. “Professional” legislators
- Generalists but usually have a priority issue
  - 150,000 bills introduced each session
  - 30,000 enacted
- Problem solvers/Laboratories of Democracy
- Legislative staff as institutional memory

What They Focus On
- Agriculture
- Criminal Justice
- Education
- Health
- Housing
- Human Services
- Labor
- Redistricting
- Transportation
- And more.....
Health Issues by the Dozens
# Three Strategies for Effective Communication

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<th>Establish contact and/or a relationship with key legislators</th>
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<td>- Identify committees of jurisdiction and committee chairs</td>
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<td>- Identify yourself as a resource</td>
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<td>- Utilize legislative staff</td>
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<th>Raise awareness for your issue through information and resources</th>
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<tr>
<td>- Education is fundamental</td>
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<td>- Interaction with legislators</td>
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<td>- Let policymakers know what information you have available</td>
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<th>Frame your message</th>
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<td>- How does the issue affect a legislator’s constituents?</td>
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<td>- What is the return on investment?</td>
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<tr>
<td>- Is this policy successful in other states?</td>
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NCSL Telehealth Resources

- State Telehealth Policies
- Bringing the Benefits of Telehealth to Rural and Underserved Patients
- Health Costs, Coverage and Delivery State Legislation Database
- State Action on Coronavirus (COVID-19) Database
- Telehealth Explainer Series: A Toolkit for State Legislators

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