Thanks to federal COVID-19 measures that opened up viable pathways for telehealth to take off, many patients, including those using Medicare, have enjoyed a safer, easier way to get the medical care they need during the pandemic.

However, not all patients have been able to access telehealth equally. While select private health plans have taken voluntary steps to increase telehealth access during the pandemic and beyond, the movement has been insufficient. That's especially true for patients whose health care coverage is from health plans that the Employee Retirement Income Security Act of 1974 (ERISA) regulates. Plans covered by ERISA are employer-funded health plans.

And unless Congress acts to make permanent the temporary rules that allowed telehealth to happen on such a large scale, the flexibilities that Medicare beneficiaries have relied on will not be able to continue once the public health emergency ends either.

With access to telehealth “a vital lifeline for millions of Americans” and particularly important for seniors, people with chronic conditions and patients with special mental health needs, the AMA sent a letter supporting a bipartisan bill in the House of Representatives, H.R. 4480, “The Telehealth Coverage and Payment Parity Act.” The bill ensures all patients, including those covered under ERISA plans, permanently have telehealth coverage.
“It is vitally important that telehealth coverage is permanently provided to all patients, including those covered by ERISA plans,” wrote AMA Executive Vice President and CEO James L. Madara, MD. “As outlined in H.R. 4480, this coverage should include requiring that services provided via telehealth be reimbursed at the same rate as in-person services, allowing for the use of expanded modalities for the provision of telehealth to include telephone visits in addition to common audio-video technology where appropriate and enabling physicians to offer telehealth services to new and established patients.

“These changes will make it possible for ERISA plan patients to access the care they need wherever they are located,” Dr. Madara wrote in the letter to the bill’s sponsors, Reps. Dean Phillips, D-Minn., and Steve Chabot, R-Ohio.

Read why Congress must tackle Medicare pay, telehealth in reconciliation.

How the bill would help

Limited access and a lack of uniformity among plans governed by ERISA leaves physicians and other health professionals unsure of whom, and under what conditions, they can provide medical services via telehealth.

For example, health plans often have separate telehealth networks that may not include physicians who normally provide in-person care. That, in turn, creates a situation where a physician may not be able to continue to see a patient via telehealth even though they are the best professional to care for the patient because they know the individual’s medical history and clinical circumstances. It can disrupt the continuity of care and create anxiety and confusion for patients.

If it becomes law, the bill would:

- Ensure all medically necessary benefits in ERISA plans are covered via telehealth.
- Prohibit restrictions on which conditions can be managed remotely. For example, ERISA plans would not be able to prohibit physicians who provide in-person care from treating patients via telehealth.
- Allow expanded use of telehealth modalities—for example, audio only—in addition to traditional two-way audio-visual technology, where appropriate.
- Require payment parity between telehealth and in-person services for physicians, as well as uniform cost-sharing requirements for patients.
- Enable physicians to offer telehealth services to new and established patients.


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How you can lend your support

Making telehealth permanent is one of the areas for which the AMA Physicians Grassroots Network is advocating. Patients and physicians have sent nearly 250,000 emails to Congress in support of expanding coverage of telehealth services permanently.

You can contact Congress here to make your voice heard. You also can share your personal story of how telehealth has benefitted your patients and your practice to help Congress understand how valuable it will be to permanently expand virtual care.