



THE
AMERICAN
CONSERVATIVE
UNION

AMERICANS
for TAX REFORM



May 6, 2020

Mayor Muriel Bowser
John A. Wilson Building
1350 Pennsylvania Avenue NW
Washington, D.C., 20004

Dear Mayor Bowser,

We the undersigned organizations, representing a variety of constituencies, urge you to suspend the District of Columbia's requirement that telehealth interactions between patients and caregivers must occur in real-time. Patients, underserved communities, and taxpayers would all benefit from your timely action during this time of crisis.

The District of Columbia, along with the rest of the country, is facing a pandemic that has fundamentally affected the ways that D.C. residents live and work. We applaud that leaders such as yourself have responded to this crisis quickly by making it easier for D.C. residents to adapt to the new normal. In particular, we are pleased to see the orders you have issued allowing the expanded use of telehealth, such as in-home telehealth services for Medicaid beneficiaries, and the notice to Medicaid providers in D.C. that audio-only telehealth visits are now reimbursed.¹

As you know, telehealth services provide numerous advantages, especially in the current environment. Patients and consumers can obtain services they need in a convenient, affordable manner, without leaving their homes and risking their health. Taxpayers save in the long run on government employee insurance costs and other health program liabilities.²

¹ "Medicaid Expands In-Home Telemedicine Services for Medicaid Beneficiaries in Response to COVID-19." <https://dhcf.dc.gov/release/medicaid-expands-home-telemedicine-services-medicaid-beneficiaries-response-covid-19> and "Medical Marijuana Telemedicine." https://dchealth.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/COVID-19-Telemedicine-Guidance.pdf and "Public Health Emergency Guidance on Medicaid-Reimbursable Telemedicine Services: Allowance for Audio-Only Visits and HIPAA." https://dhcf.dc.gov/sites/default/files/dc/sites/dhcf/page_content/attachments/Transmittal%2020-08%20Public%20Health%20Emergency%20Guidance%20on%20Medicaid-Reimbursable%20Telemedicine%20Services%20Allowance%20for%20Audio-Only%20Visits%20and%20HIPAA.pdf

² Pete Sepp, "NTU Submits Comments on the FTC's Updated Contact Lens Rule," National Taxpayers Union. July 30, 2019. <https://www.ntu.org/publications/detail/ntu-submits-comments-on-the-ftcs-updated-contact-lens-rule>

The Centers for Disease Control and Prevention (CDC), as well as state leaders across the country, have recommended that people and providers delay routine medical services and shift toward the use of telehealth to help flatten the COVID-19 curve. This means that many doctors' offices have temporarily closed their doors, or are impossible to visit while abiding by social distancing guidelines. Telehealth, then, is crucial to maintaining a healthy population during this crisis.

As such, we ask that you consider temporarily suspending the telehealth requirement that patient-provider interactions occur in real time using audio and/or video. This is because many telehealth services take advantage of store-and-forward technology that does not require the interaction to be real-time. Instead, online portals capture information that is then reviewed by a licensed doctor in that state or territory who can diagnose patients or prescribe medication. For example, Americans in the majority of states who may need their eyeglass or contact lens prescriptions refilled can do so through an online vendor. Unfortunately, D.C. law for telehealth does not allow this method for its residents.

The ability to see clearly is crucial right now, especially as Americans are concerned with caring for ill family members, or maintaining or finding employment. As you have asked District residents to stay home until at least May 15, allowing for store-and-forward methods of telehealth means that more citizens can access the health care they need while at home.³

States are taking measures to do just this in light of COVID-19. In neighboring Maryland, Governor Larry Hogan recently signed into law a bill that allows for the store-and-forward method of telehealth used by online vision care vendors. And Arkansas Governor Hutchinson has temporarily suspended restrictions on telehealth so that people can get eyeglass or contact lens prescriptions renewed online. These efforts give Americans better access to health care services during a state of emergency, while also allowing them to stay safely at home.

We respectfully ask that you consider temporarily waiving these regulations so that D.C. can still receive the vision care it needs.

Sincerely,

R Street Institute
National Taxpayers Union
American Conservative Union
Americans for Tax Reform
Citizen Outreach

³ "Mayor Bowser Extends Public Health Emergency, Stay at Home Order, and Closure of Non-Essential Businesses Through May 15." <https://coronavirus.dc.gov/release/mayor-bowser-extends-public-health-emergency-stay-home-order-and-closure-non-essential>