



ERIC The ERISA Industry Committee

The Only National Association Advocating Solely for the Employee Benefit and Compensation Interests of America's Largest Employers

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Allison Wils, Director of Health Policy

August 26, 2016

Attn: LaTonya Brown
Administrator
Delaware Board of Dietetics/Nutrition
Cannon Building
861 Silver Lake Blvd.
Dover, DE 19904

Sent via email to customerservice.dpr@state.de.us

Dear Ms. Brown,

The ERISA Industry Committee (ERIC) is pleased that the Board of Dietetics/Nutrition (Board) recognizes the potential benefits of telepractice and welcome the opportunity to share our enthusiasm and support for leveraging telehealth to increase access to care. I want to thank you for thoughtfully developing your telehealth policies to embrace this modern health care delivery tool, and to express large employers' interests on this issue.

As the only national trade association advocating solely for the employee benefit and compensation interests of America's largest employers, ERIC speaks in one voice for large employers on public policy issues relating to employee benefits. Our members have workers in every state across the country, including many Delawareans.

ERIC's members are committed to, and known for, providing high-quality, affordable health care to millions of workers and their families. ERIC has a strong interest in proposals that affect its members' ability to deliver cost-effective benefits. Our members devote considerable time and resources to their benefit plan design, balancing the provision of high-quality, affordable health care with the need to contain costs for these programs.

ERIC members need consistent telehealth policies around the country so that their workers and families can enjoy the same company benefits regardless of the state in which they live or work. It is imperative that funds to pay benefits are maximized and not diverted to administrative and compliance burdens stemming from a myriad of disparate and potentially conflicting state rules and regulations.

In addition to improved access to health care, employers support telehealth for these reasons:

- **Accessibility. Flexibility. Without barriers.** Telehealth gives employees and their families access to health care 24 hours a day, seven days a week, whether at home, in transit, or at work, without regard to standard office hours and proximity to a health care provider.
- **Benefits for rural, urban, and working families.** Telehealth has long been seen as a means for providing access to care for rural populations. Urban underserved populations, retirees, the elderly, disabled employees, and those with language barriers, chronic conditions, or transportation barriers also stand to benefit from increased access to care, as well as working parents and others struggling to balance work and family demands.

- **Increased workforce satisfaction.** The response from employees who have used telehealth services is very positive. Employees want to minimize the time spent attending to their health needs, or that of loved ones, and appreciate the opportunity to reach a health care professional at times and locations that are convenient to them. They like the service and want it to continue.
- **Connection to workplace clinics, rural health centers and employer wellness initiatives.** Telehealth services can complement employer workplace clinics as well as rural health centers. Telehealth also supports wellness initiatives that employers offer to further employee health and wellbeing.
- **Cost-effective care.** Employees, retirees, and their families need access to health care that they can utilize because it is provided at an affordable, cost-effective rate.

ERIC respects and supports the Board's mission to protect the health of the public by broadening access to dietetic and nutrition therapy by maintaining professional standards of competence and service delivery. ERIC believes that the standards governing in-person visits, that ensure patient safety and a high-standard of care, should also apply, in the same manner, to telehealth visits.

There should not be artificial barriers that unnecessarily limit access to medical services provided through telehealth when there are existing requirements in place to hold providers to high standards of care. ERIC urges the Board to consider striking the proposed requirement that requires initial evaluations to be performed "face to face and not through telehealth" and instead use standards expressed in existing rules to maintain a high standard of care, and permit licensees to exercise their professional judgment on a case-by-case basis to determine whether telehealth is appropriate for an initial encounter. By limiting barriers to services provided via telehealth, the Board accomplishes its goal of broader access to care without compromising professional standards of competence and service delivery.

Ultimately, to achieve a balanced regulatory environment for telehealth, ERIC encourages the Board, to the extent permitted by law, to:

- ADOPT licensing policies that facilitate inter-state practice so providers, located in or out of the state, who deliver high-quality care, can serve patients located in Delaware;
- ADOPT technology-neutral requirements, permitting use of different types of technology platforms that are designed for telehealth;
- AVOID restrictions that require patients to visit specific locations (e.g., "originating sites") in order to access telehealth services;
- AVOID imposing additional requirements on providers that offer telehealth services that are not imposed on in-person visits; and
- CONSIDER the needs of patients to have better access to care that can be provided via telehealth, either through a telehealth visit or remote monitoring of health conditions.

Thank you for considering large employers' interests as you finalize your telehealth rules. ERIC is pleased to represent large employers with the goal of ensuring telehealth benefits are accessible for millions of workers, retirees, and their families. For more information about ERIC's work on telehealth, please contact me at 202-627-1925 or awils@eric.org. ERIC welcomes additional questions and opportunities to contribute to your rulemaking process.

Sincerely,

Allison Wils
Director of Health Policy