



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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Annette Guarisco Fildes, President & CEO

September 15, 2015

Anne K. Lawler, JD, RN
Executive Director
State of Idaho Board of Medicine
1755 Westgate Drive, Suite 140
PO Box 83720
Boise, Idaho 83720-0058

Sent via fax to (208) 327-7005

Dear Ms. Lawler,

We are pleased that the State of Idaho Board of Medicine (Board) recognizes the potential benefits of telehealth and welcome the opportunity to share our enthusiasm and support for leveraging telehealth to increase access to health care. On behalf of The ERISA Industry Committee (ERIC), we want to thank you for thoughtfully developing your telehealth rules 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 Idahoans.

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. ERIC's 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.

Our members need consistent telehealth policies around the country so that their workers and their 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.

Idaho's recently adopted Telehealth Access Act (the "Act") similarly recognizes the benefits of telehealth, finding that telehealth enhances access to health care and increases "capacity for appropriate care in the appropriate location at the appropriate time to better serve patients, providers, and communities." We agree with these legislative findings, and support policies that ensure the benefits of telehealth are maximized for the Idahoans.

ERIC believes that laws and regulations must be appropriately flexible to allow for modern advances in health care delivery. To achieve this flexibility, while maintaining a high standard of care, ERIC believes that the Board is in the best position to establish policies that are appropriately tailored to the provider community and designed to best protect the welfare of patients in Idaho. Unfortunately, in the body of the Act, there is language that could potentially limit access to telehealth. Restrictive language, such as limiting the establishment of a provider-patient relationship to "two-way audio and visual interaction," would unnecessarily prevent many health care visits that are important and beneficial to patients in the state.

ERIC encourages the Board to interpret the standard of care with the unique benefits of telehealth in mind, permitting increased use of telehealth and embracing modern practice standards that recognize this important, modern method of delivering high-quality health care. Additionally, where the Act requires that a provider make information available to a patient for follow-up care, we encourage the Board to allow for flexibility of referrals to other doctors located in Idaho, regardless of the location of the provider participating in the telehealth visit.

Consistent with the Board's priorities, ERIC respects and supports the Board's commitment to place the welfare of the patient first. ERIC believes that the standards governing in-person visits to ensure patient safety and a high-standard of care should also apply, in the same manner, to telehealth visits. In other words, 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.

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 Idaho;
- 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. We welcome additional questions and opportunities to contribute to your rulemaking process.

Sincerely,

A handwritten signature in cursive script, reading "Annette Guarisco Fildes".

Annette Guarisco Fildes
President & CEO