

August 12, 2020

The Honorable Ronald Mariano
Massachusetts House of Representatives
24 Beacon Street, Room 343
Boston, MA 02133

The Honorable Cindy Friedman
Massachusetts Senate
24 Beacon Street, Room 208
Boston, MA 02133

The Honorable Daniel Cullinane
Massachusetts House of Representatives
24 Beacon Street, Room 236
Boston, MA 02133

The Honorable Julian Cyr
Massachusetts Senate
24 Beacon Street, Room 309
Boston, MA 02133

The Honorable Randy Hunt
Massachusetts House of Representatives
24 Beacon Street, Room 136
Boston, MA 02133

The Honorable Dean Tran
Massachusetts Senate
24 Beacon Street, Room 504
Boston, MA 02133

Dear Members of the General Court of the Commonwealth of Massachusetts,

On behalf of The ERISA Industry Committee (ERIC), thank you for advancing telehealth in the Commonwealth of Massachusetts during the COVID-19 pandemic through House Bill 4916. ERIC is the only national association that advocates exclusively for large employers on health, retirement, paid leave, and compensation public policies at the federal, state, and local levels. We speak in one voice for our member companies on their benefit and compensation interests, including many with employees and retirees in Massachusetts.

As plan sponsors, our member companies strive to provide the best health care possible to their employees, retirees, and families at an affordable cost. At ERIC, we seek to enhance our members' ability to provide high-quality, affordable health care, and we recognize the significant opportunity telemedicine has to modernize health care delivery and improve access to quality medical care for workers and their dependents. Telemedicine minimizes the time spent attending a health care provider visit, making telehealth a great value to working parents, caregivers, and others struggling to balance work and family demands. It also provides access to care for rural and urban underserved populations, retirees, the elderly, disabled employees, those with language barriers, chronic conditions, or transportation barriers who may otherwise not have access to care.

Unfortunately, at this time, ERIC and our large employer member companies cannot support passage of House Bill 4916 as amended. While the bill contains important advances in telehealth, it has a fundamental flaw that we urge you to remove before its advancement.

We applaud the introduction of House Bill 4916 in an effort to expand telehealth at this critical time, but the legislation includes problematic language regarding prescriptions for patients recently diagnosed with a condition during an in-person visit. Before ERIC and our allies could support the legislation, the following provision must be removed:

- Telehealth prescribing shall be limited to previously diagnosed conditions during an in-person visit by the telehealth provider with an issuance of a one-time prescription for the health condition.

This language unnecessarily restricts patient access to remote care and relies heavily on an in-person visit, which patients have rightly avoided during the public health crisis. The provision will only serve as a barrier to keep patients from using telehealth, and we request its removal so all patients can receive necessary medical care.

However, House Bill 4916 does include several highly beneficial policies that are fundamental for telehealth's expansion in Massachusetts. ERIC believes the following provisions are central to the legislation's passage and we urge you to include them in final legislation:

- The same standard of care applies to in-person visits and telehealth visits;
- "Telehealth" is defined to include synchronous or asynchronous technology to connect a provider in one location and a patient in a different location, and;
- There is no requirement for patients to travel to specific "originating sites" to access telehealth services

Thank you for accepting our input on House Bill 4916. ERIC is pleased to represent large employers with the goal of ensuring telemedicine benefits are accessible for millions of workers, retirees, and their families. If you have any questions concerning our written testimony, or if we can be of further assistance, please contact me at jgelfand@ERIC.org or 202-789-1400.

