

United States Senate  
WASHINGTON, DC 20510

June 8, 2021

The Honorable Patty Murray  
Chairwoman  
Subcommittee on Labor, Health and Human  
Services, Education, and Related Agencies  
Dirksen Senate Office Building, Room 136  
Washington, D.C., 20510

The Honorable Richard Burr  
Ranking Member  
Subcommittee on Labor, Health and  
Human Services, Education, and Related  
Agencies Dirksen Senate Office Building,  
Room 125 Washington, D.C., 20510

Dear Chair Murray and Ranking Member Blunt:

We write to request the inclusion of language in the report accompanying the FY 2022 Labor, Health and Human Services, and Education and Related Agencies Appropriations bill to highlight the importance of audio-only evaluation and management (E/M) services to expand access to telehealth during the COVID-19 public health emergency.

During the public health emergency, CMS has extended coverage and payment for the telephone E/M services. This flexibility has allowed patients who do not have the required devices or broadband connection to access care at all times including when the provider determines home-based services are safer or more feasible. This has been particularly important for older patients and those who are not adept with technology or lack the devices required for video visits and who may have limited mobility or access to transportation. It also has benefited patients who require translators or caregivers to participate in their visits as it is not possible to include these third parties using simultaneous audio and visual connections. The increased payment rates have eliminated the potential financial deterrent that providers would have faced for delivering telephone visits.

After the public health emergency ends, it will still be critical for some patients with chronic conditions to have access to audio-only E/M services. CMS has indicated that they do not have the statutory authority to continue to cover these services after the public health emergency. Therefore, it is important to study the data collected on the utilization of these services, including how it addresses health inequities, in order to inform future Medicare policy.

Accordingly, we encourage you to include the following language in the report accompanying the FY 2022 Labor, Health and Human Services, and Education and Related Agencies Appropriations bill:

*Audio-only Evaluation and Management Services.* – The Committee applauds the actions taken by the Department of Health and Human Services and the Centers for Medicare & Medicaid Services to expand access to telehealth services for patients during the COVID-19 public health emergency. Audio-only evaluation and management (E/M) services have

played an important role in expanding access to care and addressing health inequities, while preventing unnecessary exposure to COVID-19 in circumstances where patients are unable to establish a simultaneous audio/video connection due to barriers (e.g., lack of access to broadband/ internet connection or the appropriate device). The Committee encourages ASPE to conduct a study to review the data collected on audio-only services delivered during the COVID-19 public health emergency, including the ages, health conditions, and geographic location of the patients receiving these services as well as any outcomes data and impact of addressing health inequities for underserved populations, and requests a report in the FY 2023 Congressional Justification on the evidence collected and recommendations to inform future Medicare policy.

This language will allow Congress and other stakeholders to better understand the impact of audio-only E/M telehealth services on Medicare patients, as well as provide guidance on how to improve access to these services after the public health emergency ends, especially for hard to reach and underserved populations.

Thank you for your consideration.

Sincerely,



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Joe Manchin III  
United States Senator



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Kevin Cramer  
United States Senator



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Jeanne Shaheen  
United States Senator



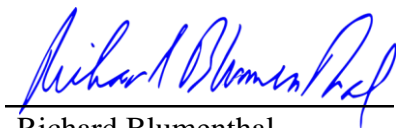
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Dan Sullivan  
United States Senator



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Elizabeth Warren  
United States Senator



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Richard Blumenthal  
United States Senator



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Tina Smith  
United States Senator



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Sherrod Brown  
United States Senator



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Jacky Rosen  
United States Senator



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Ben Ray Lujan  
United States Senator



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Angus S. King, Jr.  
United States Senator



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Chris Van Hollen  
United States Senator



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Jon Tester  
United States Senator



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Gary C. Peters  
United States Senator



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Catherine Cortez Masto  
United States Senator



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Kyrsten Sinema  
United States Senator



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Bernard Sanders  
United States Senator



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Susan M. Collins  
United States Senator



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Tammy Duckworth  
United States Senator



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Mark Kelly  
United States Senator