Health Industry Alert

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FCC's Recent Telehealth Roundtable Emphasizes Telehealth is Here to Stay

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On December 6, Federal Communications Commission (FCC) Commissioner Brendan Carr hosted a virtual roundtable with health care providers and industry leaders to discuss lessons learned from their experiences providing telehealth services. The roundtable's two sets of panelists included recipients of funding from the FCC's Connected Care Pilot Program and the emergency COVID-19 Telehealth Program, both of which were launched in early 2020.

The Connected Care Pilot Program is a long-term Universal Service program that provides subsidies to selected "pilot projects" that use telehealth to treat specific populations, conditions or geographic areas, with a focus on serving low-income Americans. The COVID-19 Telehealth Program distributed $200 million in emergency funding, appropriated by Congress as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, directly to health care providers to facilitate the expansion of telehealth services during the COVID-19 pandemic. Commissioner Carr has been a strong proponent of these programs, and has long voiced support for leveraging the agency's regulatory power in favor of "the delivery of affordable, high-quality care directly to patients outside the confines of connected, brick-and-mortar facilities."

During the roundtable, panelists highlighted numerous benefits of telehealth enjoyed by providers and patients alike as the health care industry has evolved rapidly during the COVID-19 pandemic. In addition to these benefits, panelists discussed wide-ranging challenges faced by health care providers using telehealth technologies, including potential barriers to providing remote health care services long-term.

Benefits

Multiple panelists explained how their telehealth programs, made possible through FCC funding, allow for the provision of more effective and efficient health care services. For example, panelist Dr. Robert Donnell, Chief Medical Information Officer for University of Florida Health, explained how telehealth breaks down geographical barriers and other social factors impacting patients' ability to access health care services. He emphasized that telehealth offers greater opportunities to provide equal access to necessary medical care for many individuals.

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Panelists also discussed the long-term benefits of telehealth services, not only for patient health and wellbeing, but also for providers and third-party payers. For example, panelist Deanna Larson, President of Avel eCARE, explained that telehealth allows for early care and intervention, which reduces the "spiral of illness that…lands many individuals in the hospital." Panelist Dr. David Houghton, System Chair of Telehealth and Medical Director of Digital Medicine with Ochsner Health, added that Remote Patient Monitoring programs "reduce things like heart attacks and strokes for the individual patient," while also reducing "face-to-face touch points," which benefits the health system and lowers costs for payers.

Challenges and COVID-19 Considerations

While the panelists highlighted many values of telehealth throughout and beyond the COVID-19 pandemic, they also recognized that there are many challenges associated with providing remote health care services.

Specifically, panelists explained that technological barriers, especially when serving populations who are less familiar with the required technologies and platforms, have been difficult to navigate for both patients and providers. Panelist Dr. Shireen Atabaki, Director of Pediatric Emergency Medicine at Children's National Hospital, highlighted the unique challenges faced by underserved populations and families, such as having to pay for the costly data plans needed to access telehealth services. Panelist Dr. Ricardo Munoz, Executive Director of Telemedicine at Children's National Hospital, also noted cybersecurity concerns that must be considered when offering health care services remotely.

The panelists also discussed the constantly evolving legal framework governing the provision of telehealth services, which presents compliance challenges for health care providers. Dr. Munoz described the current regulatory framework as a "moving target," an observation that was echoed by other panelists with regard to issues such as state licensure requirements and reimbursement.

The health regulatory framework changed rapidly following the Secretary of Health and Human Services' (HHS) declaration of a Public Health Emergency (PHE) in January 2020. The Centers for Medicare & Medicaid Services (CMS) subsequently issued blanket waivers under Section 1135 of the Social Security Act, which afforded health care providers much-needed flexibilities in responding to the impact of the COVID-19 pandemic.

The panelists conveyed that many health care providers are anxiously anticipating the conclusion of the PHE, when many of the flexibilities offered by waivers issued during the pandemic will sunset. Some of these flexibilities include allowing "audio-only" for certain services and waiving certain location-based requirements for Medicare reimbursement. Temporary accommodations like these have allowed health care providers to offer greater access to telehealth services, but the regulations will snap back to their original status once the PHE is over, explained panelist Joel White, Executive Director of Health Innovation Alliance.

Conclusion

While the FCC's telehealth initiatives have provided much-needed financial support to health care providers seeking to treat patients remotely, Commissioner Carr noted that he does not envision long-term FCC involvement in this arena. Panelist Stuart Clarry,

Director of Telehealth Services for University of Florida Health, noted that he looks forward to transitioning from grant-funded support to more sustainable, long-term support for these types of services.

Along with highlighting the FCC's efforts, the roundtable discussion emphasized that telehealth is here to stay, but will require coordinated efforts from agencies and legislators to create a framework that allows for and incentivizes effective, efficient and beneficial health care solutions for patients, providers and third-party payers. With regard to the future of telehealth, panelist Joel White cautioned that health care providers will lose pandemic-era flexibilities "unless Congress acts." Garnering agency support in favor of maintaining flexibilities currently in place is critical to convince legislators to enact long-term solutions for providers and recipients of telehealth.

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