

United States Senate
WASHINGTON, DC 20510

April 29, 2020

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
200 Independence Avenue, S.W., Room 445-G
Washington, D.C. 20201

Dear Secretary Azar and Administrator Verma:

We write to draw your urgent attention to concerns that we have heard from health care providers and patients regarding Medicare's coverage and payment rules during the outbreak of the novel coronavirus or "COVID-19." In order to ensure that Medicare beneficiaries in all regions of the country can have access to health care services during this time, we strongly urge you to address Medicare payment differences that exist between audio-visual telehealth services and audio-only medical consultations.

As COVID-19 continues to spread in communities across the United States, millions of people are following directives to stay home and avoid risking exposure to the virus. In conjunction with those directives, health care providers have shifted to offering audio-visual telehealth services to patients, so that patients can receive evaluations, medical consultations, checkups and other services in their own homes, instead of risking exposure at a health care facility. However, for instances where a patient has no home access to internet, broadband or other cell phone services, physicians and other providers are furnishing these medical consultations through audio-only formats, such as telephone calls.

Access to audio-only telephone-based services during this time is not only important for Medicare beneficiaries with limited means, but is also vital for Medicare patients who live in communities that lack sufficient broadband and internet connectivity. For these communities, telehealth services provided through internet based visual platforms are simply not an option.

While we appreciate the effort of CMS to provide expanded coverage for audio-only services, the current reimbursement rates for audio-only services are not sufficient to make audio-only medical consultations a viable option for many health care providers. While audio-only consultations may not be appropriate in all clinical circumstances, providers across the country who have been able to conduct successful audio-only telephone visits with patients when clinically appropriate. We support their efforts to continue offering medical care to our most at-

risk populations in their homes and ask that CMS make this care sustainable for providers by ensuring sufficient payment for telephone consultations when clinically appropriate during the COVID-19 outbreak. Your access to healthcare should not be determined by your access to broadband when other approaches are available.

In light of this critical need to better support the provision of audio-only services for Medicare beneficiaries who may lack access to broadband or have limitations that prevent the use of audio-visual telehealth services during the COVID-19 outbreak, we urge you to:

1. Increase Medicare payment rates for telephone-based evaluation and management (E/M) codes (99441-99443) to bring payments for these codes equal to Medicare's established in person visit codes (99212-99214) that will ensure that patients without advanced video-sharing capabilities are able to get care virtually, while helping to sustain physician practices.
2. Immediately provide guidance to Medicare Administrative Contractors (MACs) to ensure that recent CMS guidance and rules are followed appropriately to enable the payment of telephone E/M claims.
3. Provide Members of Congress with a briefing on your efforts to address this issue by May 8, 2020.

We appreciate recent steps taken to expand telehealth for health care providers. Expanding access to telehealth services has been vital to our collective effort to respond to the COVID-19 crisis. In order to maximize the potential of at-home care during this public health emergency, CMS must provide adequate payment for audio-only services, in addition to audio-visual telehealth services. Thank you for your attention to this matter.

Sincerely,



Joe Manchin III
United States Senator



Cindy Hyde-Smith
United States Senator



Jeanne Shaheen
United States Senator



Jerry Moran
United States Senator

Shelley Moore Capito
United States Senator

Kevin Cramer
United States Senator

Dan Sullivan
United States Senator

Sherrod Brown
United States Senator

Elizabeth Warren
United States Senator

Doug Jones
United States Senator

Bernard Sanders
United States Senator

/s/ Jack Reed
Jack Reed
United States Senator

Amy Klobuchar
United States Senator

Margaret Wood Hassan
United States Senator

Debbie Stabenow
United States Senator

Kamala D. Harris
United States Senator

Tina Smith
United States Senator

Roger F. Wicker
United States Senator

Kyrsten Sinema
United States Senator

Susan Collins
United States Senator

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Lisa Murkowski
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John Boozman
United States Senator

David A. Perdue
United States Senator

Angus S. King Jr.
United States Senator

Patrick Leahy
United States Senator

/s/ Dick Durbin

Richard J. Durbin
United States Senator



Cory Gardner
United States Senator



Edward J. Markey
United States Senator



Tim Scott
United States Senator



John Hoeven
United States Senator



Gary C. Peters
United States Senator



Steve Daines
United States Senator



Richard Blumenthal
United States Senator



Robert Menendez
United States Senator



Jon Tester
United States Senator



James Lankford
United States Senator