

Telehealth – 2023 Legislative Brief

Duke supports further protecting patients' rights for telehealth coverage and expansion of broadband access to bring healthcare to every community.

Legislative Priorities

The role of telehealth cannot be overstated in bringing care to communities who would otherwise be cut off from care; telehealth proved a critical component of healthcare during the COVID-19 response and has continued to be essential. In order to bring healthcare to every North Carolina community, Duke supports:

- Protecting patients' rights for telehealth access and coverage by their insurer
- Expansion of affordable broadband connectivity for all North Carolinians
- Interstate licensure compacts to address healthcare workforce shortages
- Make permanent the federal temporary flexibilities to improve access to telehealth

Context & Insights

From emergency department care, to remote patient monitoring for chronic care management and access to care from specialists, telehealth is changing the way health care is provided — both expanding patient access to routine and specialty care, while improving patient satisfaction and outcomes. For these and a variety of other reasons, it is imperative that North Carolina promote the expansion and adoption of telehealth services.

However, broadband infrastructure remains a major barrier to accessing telehealth services, particularly among those who would benefit the most from accessing such services. Nearly 8% of Americans have no internet access at home. These numbers are higher among seniors and Americans living in poverty— one in five of whom do not have home internet access— and rural Americans, who are twice as likely to lack internet access than their urban counterparts.¹⁴ Investing in broadband infrastructure would expand access to vital telehealth services to millions of Americans, including hundreds of thousands of North Carolinians.

North Carolina is a national leader in information technology and high-tech, but still lags behind in telehealth policy and innovation, according to the American Telemedicine Association. For our citizens to take full advantage of this emerging health benefit, North Carolina must remove any and all barriers to its full implementation by improving coverage and payment parity for telehealth services. North Carolina does not currently require insurers to cover and reimburse telehealth services consistently. For the limited telehealth services providers are currently delivering, more than 50% of the claims are denied payment without justification. Because North Carolina is one of only a handful of states that have no parity laws for telehealth, healthcare providers are inhibited from expanding their current telehealth service offerings knowing that they may not be reimbursed.

Expanding telehealth can help alleviate the severe workforce shortage our state is currently experiencing across many health care occupations, particularly in rural areas where providers are not always available. In addition, expanding telehealth services would help rural hospitals keep their patients in their communities, help eliminate healthcare

provider burnout, as well as be used to address the current mental health crisis and opioid crisis more effectively in our state.

The Senate passed a revised version of HB 149 (renamed 'Expanding Access to Healthcare') in the 2022 legislative session which served as an omnibus of healthcare policies, including expanding Medicaid, implementing the Healthcare Access and Stabilization Program (HASP), reforming Certificate of Need, and a series of telehealth-related provisions. These provisions omit insurers from requirements to provide coverage for any out-of-network telehealth services and allows insurers flexibility when determining whether to exclude coverage for these services. This language provides strong preference for insurers and prevents patients that depend on telehealth services from receiving the care they need. Duke will continue to work towards ensuring North Carolina patients can access the care they need without worry of their insurer denying coverage.

Joining the Interstate Medical Licensure Compact can also increase care options that patients can access through telehealth services. The Interstate Medical Licensure Compact is an agreement among 37 states to work together to significantly streamline the licensing process for physicians who want to practice in multiple states. In joining this compact, North Carolina has the potential to increase access to highly skilled healthcare professionals across its underserved and rural communities. The temporary, streamlined flexibilities by practice boards to allow out-of-state medical professionals to quickly practice in NC has been a vital outlet for patients to access services during the pandemic. Ensuring that these expansions remain in place beyond the pandemic protects the care that many patients in North Carolina require across state lines.

Key Issues

- In the wake of telehealth innovation accelerated by the COVID-19 pandemic, now is the time to build on the expansion of services, not curtail access.
- The heightened need for telehealth access amidst the ongoing COVID-19 pandemic affirmed that broadband access and healthcare access are inextricably tied. According to the North Carolina Department of Information Technology, over 1.1 million North Carolina households lack access to high-speed internet, cannot afford it, or do not have the necessary skills to operate high-speed internet. This has presented a major barrier to individuals seeking healthcare during the COVID-19 pandemic.
- Given the provider shortages throughout North Carolina, increased telehealth services have a unique capacity to increase access to healthcare for millions of new patients in even the most remote areas of North Carolina.
- Telehealth has been shown to reduce the cost of healthcare and increase efficiency through better management of chronic diseases, shared health professional staffing, and fewer or shorter hospital stays. It also encourages better utilization of healthcare services.
- Telehealth services not only provide a more flexible, convenient option for patients, but also provide a profound community health function, cutting down on the number of unnecessary exposures to illness.
- Achieving coverage and payment parity for private insurance customers is essential if we hope to encourage healthcare professionals to provide telehealth services and/or expand their current telehealth offerings.
- Telehealth services are as good as those provided in traditional in-person consultations. In some specialties, particularly in mental health and ICU care, telehealth delivers a superior product, with greater outcomes and patient satisfaction.
- The state-wide adoption of telehealth services could help North Carolina combat the current behavioral health crisis, especially in our rural areas where the need is the greatest.