



October 31, 2017

Kevin Galpin, MD, Executive Director Telehealth Services
Veterans Health Administration Office of Connected Care
810 Vermont Avenue NW.
Washington, DC 20420

Dear Dr. Galpin:

On behalf of the American Academy of Family Physicians (AAFP), which represents 129,000 family physicians and medical students across the country, I write in response to the [proposed rule](#) titled, “Authority of Health Care Providers to Practice Telehealth” as published by the Department of Veterans Affairs (VA) in the October 2, 2017, *Federal Register*.

In this regulation, the VA proposes to clarify that VA health care providers may exercise their authority to provide care using telehealth, notwithstanding any State laws, rules, or licensure, registration, or certification requirements to the contrary. In so doing, VA proposes to exercise federal preemption of State licensure, registration, and certification laws, rules, regulations, or requirements to the extent such State laws conflict with the ability of VA health care providers to engage in the practice of telehealth while acting within the scope of their VA employment. The VA proposes this to “achieve important Federal interests by increasing the availability of mental health, specialty, and general clinical care for all beneficiaries.” The AAFP strongly believes our veterans are best served by having access to comprehensive primary care services provided by well-trained family physicians and other appropriate primary care physicians. Telehealth services can be an adjunct in certain situations but cannot replace a meaningful relationship with a personal primary care physician.

The AAFP continues to support the VA in its efforts to ensure there are qualified physicians and other health care providers available to provide care from all VA medical facilities, especially veterans who live in remote, rural, or medically underserved areas. Since this proposal is limited to a special situation within the VA and to support veterans’ access to health services, the AAFP offers qualified support for this proposed expansion of clinically validated telehealth services since it:

- Ensures that important patient protections remain in place within the VA’s unique federally controlled healthcare system.
- Explicitly provides that this program’s multi-state licensure exception applies only to VA-employed physicians and providers and is not expanded to contracted physicians or providers who are not directly controlled and supervised by the VA.

However, the AAFP still strongly supports state-based licensure and regulation of physicians and other healthcare providers as well as the states’ ability to regulate the practice of telehealth in their state. As noted within the proposed rule, the VA only has legal authority to hire health care providers

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who are licensed, registered, or certified in a State. To continue practicing in the VA, providers must maintain those credentials in accordance with their health care specialty. While the AAFP has historically opposed federal or legislative actions superseding State restrictions on licensure, and instead support FSMB licensure compact participation, we nevertheless believe that in this narrow case of the VA, federal preemption of state licensure could possibly serve the public interest and is perhaps not too inappropriate. The AAFP continues to support physician licensure at the state level, and believes that the VA's unique nature as a unified national health-care system that straddles state boundaries, and its important role of treating the nation's veterans, justifies a very limited exception in this case.

Family physicians take great pride in caring for Veterans and would welcome the opportunity to do more within our clinics. The AAFP strongly supports our veterans and we call on the VA to ensure they have full access to true primary care services. We caution the VA to not substitute telehealth services for providing veterans access to meaningful and comprehensive primary medical care. Therefore, in the spirit of expanding access, the AAFP offers suggestions that we believe would help expand veterans access to non-VA entities and providers.

- Rates Must Equal Medicare: The AAFP strongly believes that under the Veterans Choice program, VA payment for contracting physicians must be at or above Medicare levels to promote access to primary care services for veterans.
- Collection of Copayments: The VA does not allow potential and applicable copayments and deductibles to be collected at the time of service for eligible veterans receiving care or services. The AAFP finds this unworkable and contrary to medical office billing practices.
- Veterans' Access to Rural Health Clinics: The AAFP believes that the VA should include Rural Health Clinics in the Veterans Choice Program.
- Expanding Access to Primary Care: To benefit veterans and the VA health care system, the AAFP urges the VA to implement policies that allow civilian family physicians to:
 - Provide primary care services to eligible veterans;
 - Allow prescriptions prescribed by civilian family physicians to be filled at VA pharmacies;
 - Allow civilian family physicians to order diagnostic tests at VA facilities; and
 - Allow civilian family physicians to refer patients to specialist physicians and other health care providers at VA facilities.

About Family Medicine

Family physicians are dedicated to treating the whole person. These residency-trained, primary care specialists provide a wide variety of clinical services. They treat babies with ear infections, adolescents with hypertension, adults with depression, and seniors with multiple chronic illnesses. With a focus on prevention, primary care, and overall care coordination, they treat illnesses early and, when necessary, refer their patients to the right specialist and advocate for their care.

One out of every five office visits in the United States are made with family physicians. More than 192 million office visits are made to family physicians each year. This is 66 million more than the next largest medical specialty. More Americans depend on family physicians than on any other medical specialty. As the only medical specialty society devoted solely to primary care, the AAFP is engaged in virtually all health care issues, including coverage, cost and quality regarding the administration of the VA's benefits and services for veterans.

Dr. Galpin
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We appreciate the opportunity to provide these comments and make ourselves available for your questions. Please contact Robert Bennett, Federal Regulatory Manager, at 202-232-9033 or rbennett@aafp.org with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "John Meigs, Jr.", with a stylized flourish at the end that includes the letters "MD".

John Meigs, Jr., MD, FAFPP
Board Chair