



April 23, 2025

The Honorable Donna Bailey
Chair, Committee on Health Coverage, Insurance and Financial Services
Maine State Legislature
3 State House Station,
Augusta, Maine 04333

The Honorable Kristi Mathieson
Chair, Committee on Health Coverage, Insurance and Financial Services
Maine State Legislature
26 Haley Road,
Kittery, ME 03904

RE: ATA ACTION REQUEST FOR AMENDMENTS TO HP 996, LD 1512

Dear Chair Bailey, Chair Mathieson and members of the Committee on Health Coverage, Insurance and Financial Services,

On behalf of ATA Action, I am writing you to request amendments to HP 996, LD 1512 regarding billing practices for healthcare entities.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services across the care continuum. ATA Action supports the enactment of state and federal telehealth policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

Our organization is concerned that this legislation may complicate operations for some of our members who are cash pay only providers delivering telehealth services in Maine. Specifically, Section 5 of the legislation would require all providers, cash pay or accepting insurance, to determine the insurance status of a patient and if the patient does not have insurance to tie the price for service and treatment to the associated Medicare rate.

This language is problematic as it would add unnecessary, confusing and costly administrative burdens on cash pay only providers to collect and review patient health insurance information when both the provider and patient understand health insurance cannot be used to pay for such services. The bill would also prevent cash pay telehealth providers subject to these rules from setting their own rates when a patient does not otherwise have health insurance. Additionally, this language increases confusion on the rate structure for cash pay only telehealth services. Telehealth laws should not conflate and limit options and access to innovative care services, and access to telehealth should not be restricted when a consumer is willing and able to pay for such services out-of-pocket.

ATA Action recommends amending Section 1 of this legislation to exclude telehealth providers without a physical office in the state from the definition of health care entity for the purposes of this legislation. The

ATA ACTION

901 N. Glebe Road, Ste 850 | Arlington, VA 22203
Info@ataaction.org



proposed amendment below will ensure that cash pay only telehealth providers do not face new barriers to providing care to Maine patients, provide necessary clarity for telehealth providers regarding their billing practices and importantly preserve patient choice for low-cost, quality care through telehealth.

1. Definition of health care entity. As used in this section, "health care entity" has the same meaning as in section 1718-B, subsection 1, paragraph B. *"Health care entity" does not include an entity that is engaged in the practice of telehealth, as defined in 24-A MSA §4316 C, and does not have a physical location where patients receive clinical services in this state other than a physical location that would be necessary to comply with 21 U.S.C. 829(e).*

Thank you for the opportunity to comment. We urge you to consider the amendment proposed above in the interest of not disrupting Maine patients' access to high-quality, affordable health care. Please do not hesitate to let us know how we can be helpful to your efforts to advance common-sense telehealth policy in Maine. If you have any questions or would like to discuss the telehealth industry's perspective further, please contact me at kzebley@ataaction.org.

Kind regards,

Kyle Zebley
Executive Director
ATA Action

CC:

The Honorable Joshua K. Morris
Representative, House District 91
The Maine House of Representatives
P.O. Box 246,
North Turner, ME 04266