

February 17, 2022

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, D.C. 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, D.C. 20515

Dear Congressional Leaders:

Thank you for your leadership in expanding the use of telehealth during the COVID-19 public health emergency (PHE). The increased availability of telehealth continues to serve as a lifeline for Americans with mental health conditions. Approximately 32% of American adults report symptoms of anxiety and/or depressive disorder—an increase of 11% since 2019.¹ We know that the negative mental health outcomes for children and adolescents have been especially pronounced during this time; over 20% of school-aged children have experienced declines in mental or emotional health since the pandemic began.² There is no indication the negative mental health impacts experienced by Americans are waning. According to the latest available data, mental health diagnoses accounted for 62.2% of telehealth visits in November 2021 versus 48.1% in November 2020 and 29.6% in November 2019.^{3,4}

As you continue to negotiate the Fiscal Year 2022 Appropriations package or other must-pass legislative vehicles, we urge you to take into consideration the immense mental health needs of Americans and **delay implementation of the telemental health in-person requirement as a prerequisite for coverage of a telehealth service within Section 123 of the Consolidated Appropriations Act of 2021 (P.L. 116-260).**⁵ This new in-person requirement is slated to go into effect day one after the PHE ends. Furthermore, it is our understanding that even if the telehealth flexibilities were extended for two years that without an explicit delay or repeal consistent with other telehealth flexibilities, this particular restriction on telemental health would still be in place. This would mean that telemental health would be one of the only modalities subject to an in-person requirement. Given the growing need for mental health services throughout the nation and acute behavioral health workforce shortages, this is counter to the intent of ensuring more Americans receive life changing care; and, in fact, could further exacerbate our nation's growing mental health crisis. As leadership is aware, there is no in-person requirement for individuals seeking medical services or substance use disorder treatment via telehealth.

To that end, we ask for your leadership in creating a pathway to delay this telemental in-person requirement at least through December 31, 2024. This request is aligned with current telehealth extension proposals that are under consideration including the *Telemental Health Care Access Act* ([H.R.](#)

¹ Kaiser Family Foundation. (December 13, 2021). Mental Health and Substance Use State Fact Sheets. Retrieved from <https://www.kff.org/statedata/mental-health-and-substance-use-state-fact-sheets/>.

² Ibid.

³ FAIR Health. (2021). Monthly Telehealth Regional Tracker, Oct. vs. Nov. 2021. Retrieved from <https://s3.amazonaws.com/media2.fairhealth.org/infographic/telehealth/nov-2021-national-telehealth.pdf>

⁴ FAIR Health. (2020). Monthly Telehealth Regional Tracker, Nov. 2020. Retrieved from <https://s3.amazonaws.com/media2.fairhealth.org/infographic/telehealth/nov-2020-national-telehealth.pdf>

⁵ Codified as amendments to 42 U.S.C. § 1395m(m)(7).

[4058/S. 2061](#)), which would eliminate the in-person requirement for telemental health and the *Telehealth Extension and Evaluation Act* ([S. 3593](#)) that would allow CMS to extend Medicare payments for a broad range of telehealth services for an additional two years. This additional extension—which we urge must also include a two-year delay of the telemental health in-person requirement—enables HHS to collect additional data about how telehealth impacts care delivery and health outcomes for mental health conditions to inform future policy decisions.

Thank you for your consideration and we look forward to working with you to continue providing the mental health services needed for Americans across the country.

Sincerely,

2020 Mom

American Academy of PAs

American Association for Psychoanalysis in Clinical Social Work

American Association for Marriage and Family Therapy

American Association on Health and Disability

American Counseling Association

American Foundation for Suicide Prevention

American Mental Health Counselors Association

American Nurses Association

American Psychiatric Association

American Psychological Association

American Telemedicine Association

Association for Ambulatory Behavioral Healthcare

Association for Behavioral Health and Wellness

ATA Action

Centene

Centerstone

CHAMP

Children and Adults with Attention-Deficit/Hyperactivity Disorder

CirrusMD Inc.

Clinical Social Work Association

Depression and Bipolar Support Alliance

Eating Disorders Coalition for Research, Policy & Action

Executives for Health Innovation

Included Health (Doctor on Demand + Grand Rounds)

Inseparable

International OCD Foundation
International Society of Psychiatric Mental Health Nurses
Lakeshore Foundation
LeadingAge
Magellan
Maternal Mental Health Leadership Alliance
Mental Health America
National Association for Children's Behavioral Health
National Association of Behavioral Healthcare
National Association of County Behavioral Health and Developmental Disability Directors
National Association of Rural Mental Health
National Association of Social Workers
National Association of Social Workers
National Association of State Mental Health Program Directors
National Council for Mental Wellbeing
National Federation of Families
National Register of Health Service Psychologists
One Medical
Partnership to Advance Virtual Care
REDC Consortium
Sandy Hook Promise
SMART Recovery
SSM Health
Stanford Health Care
The Jewish Federations of North America
The Kennedy Forum
The Michael J. Fox Foundation for Parkinson's Research
Treatment Communities of America

cc: House Ways and Means Committee Chair and Ranking Member
House Energy and Commerce Committee Chair and Ranking Member
House Appropriations Committee Chair and Ranking Member
Senate Finance Committee Chair and Ranking Member
Senate HELP Committee Chair and Ranking Member
Senate Appropriations Committee Chair and Ranking Member