



**AMERICAN
PSYCHOLOGICAL
ASSOCIATION**
SERVICES, INC.

April 9, 2024

The Honorable Brett Guthrie
Chairman
Health Subcommittee
Committee on Energy & Commerce
2434 Rayburn House Office Building
Washington, DC 20515

The Honorable Anna Eshoo
Ranking Member
Health Subcommittee
Committee on Energy & Commerce
272 Cannon House Office Building
Washington, DC 20515

The Honorable Larry Bucshon, M.D.
Vice Chairman
Health Subcommittee
Committee on Energy & Commerce
2313 Rayburn House Office Building
Washington, DC 20515

Re: Subcommittee Hearing: "Legislative Proposals to Support Patient Access to Telehealth Services"

Dear Chairman Guthrie, Ranking Member Eshoo, and Vice-Chairman Bucshon:

On behalf of the American Psychological Association Services, Inc. (APA Services), I want to thank the Subcommittee for convening this hearing concerning the future of access to behavioral health treatment via telehealth. APA Services is the companion organization of the American Psychological Association, which is the nation's largest scientific and professional nonprofit organization representing the discipline and profession of psychology, as well as over 146,000 members and affiliates who are clinicians, researchers, educators, consultants, and students in psychological science.

While the COVID-19 pandemic represented a source of stress for many,¹ paradoxically it also helped facilitate an unprecedented expansion of access to behavioral health services through increased coverage of telehealth as a modality of treatment.² In December 2020, Congress encouraged the continued expansion of telehealth by enacting reforms that permanently allowed Medicare enrollees to receive mental health services via telehealth from their own homes.³ However, the new law also required a periodic in-person exam for continued coverage of their telehealth services, a requirement that is currently set to go into effect after the end of 2024. This

¹ American Psychological Association (October 2020). Stress in America 2020: A National Mental Health Crisis, available at <https://www.apa.org/news/press/releases/stress/2020/report-october>.

² J. Lo, M. Rae, K. Amin, et. al. (Mar. 15, 2022). Telehealth Has Played an Outsized Role Meeting Mental Health Needs During the COVID-19 Pandemic, available at <https://www.kff.org/mental-health/issue-brief/telehealth-has-played-an-outsized-role-meeting-mental-health-needs-during-the-covid-19-pandemic/>.

³ Consolidated Appropriations Act of 2021, Pub. L. 116-260 (Dec. 27, 2020).



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in-person visit requirement is an unnecessary and arbitrary barrier to treatment, which will disproportionately impact patients in rural and underserved areas whom the law was meant to assist in the first place.

Additionally, the current statute prevents Medicare beneficiaries receiving health behavior services via telehealth from doing so in their own homes. The distinction between “mental health” and “health behavior” services is critical for psychologists, who often provide services such as health behavior assessment and intervention (HBAI) services that are furnished to individuals with a medical condition—such as diabetes or pain. A treatment team will bring in a health behavior specialist like a psychologist to help patients manage physical health problems. Health behavior assessment includes evaluation of the patient’s responses to disease, illness or injury, outlook, coping strategies, motivation, and adherence to medical treatment. Health behavior interventions includes promotion of functional improvement, minimizing psychological and/or psychosocial barriers to recovery, and management of and improved coping with medical conditions. Because the patient does not have a primary mental health diagnosis, the services are not classified as “mental health” services.

To address these issues, APA Services commends the Subcommittee for including the **Telemental Health Care Access Act (H.R. 3432)** and the **CONNECT for Health Act (H.R. 4189)** in its April 10th hearing. We appreciate the Subcommittee’s consideration of a variety of proposals to ensure that any gains in access to behavioral health services via telehealth are not undone after the end of the year. To the extent that our psychologists can serve as a resource to the Subcommittee on this issue, please feel free to reach out to Andrew Strickland, Senior Legislative and Regulatory Counsel, at any time (astrickland@apa.org).

Sincerely,

Katherine B. McGuire
Chief Advocacy Officer
American Psychological Association Services, Inc.