

August 5, 2020

Senator Rob Portman
United States Senate
Washington, DC 20510

Senator Sheldon Whitehouse
United States Senate
Washington, DC 20510

Representative David McKinley
United States House of Representatives
Washington, DC 20515

Representative David Cicilline
United States House of Representatives
Washington, DC 20515

Representative David Trone
United States House of Representatives
Washington, DC 20515

Representative Ted Budd
United States House of Representatives
Washington, DC 20515

Dear Senators Portman and Whitehouse and Representatives McKinley, Cicilline, Trone, and Budd:

On behalf of the undersigned mental health and substance use disorder organizations, we write in support of your bipartisan, bicameral Telehealth Response for E-prescribing Addiction Therapy Services (TREATS) Act (S. 4103/H.R. 7593) and urge its swift passage. While we are grateful that Senate Republicans included provisions in the Health, Economic Assistance, Liability Protection, and Schools Act (HEALS Act) that will ensure Medicare telehealth reimbursement flexibilities made available during the COVID-19 public health emergency are maintained through December 31, 2021, the HEALS Act did not include the TREATS Act. Unfortunately, without its inclusion in the next legislative response to COVID-19, continued and much-needed relief from the Ryan Haight Act's in-person exam requirement will remain unaddressed.

Specifically, for purposes of prescribing Schedule III and IV medications, including buprenorphine for the treatment of opioid use disorder, the TREATS Act would make permanent a new, audio-video, telehealth evaluation exception to the Ryan Haight Act's in-person exam requirement – a requirement independent of Medicare. Additionally, the TREATS Act will also clarify Medicare's continued ability, regardless of the COVID-19 public health emergency, to reimburse for audio-only, substance use disorder and co-occurring mental health services delivered through telehealth after an in-person or telehealth evaluation. In short, swift passage of the TREATS Act is critical to addressing this nation's addiction and mental health crisis which is expected to remain with us well beyond the current COVID-19 public health emergency.

As noted in a recent letter by stakeholders in the Coalition to Stop Opioid Overdose, COVID-19 pandemic is currently devastating patients struggling with addiction and/or mental health disorders, with reports of increasing opioid-related overdoses in counties across the country.¹ We, too, know that treatment delivered through telehealth has been associated with high

¹ The American Medical Association. (2020). Issue brief: Reports of increases in opioid-related overdose and other concerns during COVID pandemic. Chicago, Illinois: AMA. Available at <https://www.ama-assn.org/system/files/2020-05/issue-brief-increases-in-opioid-related-overdose.pdf>

satisfaction rates, which contributes to patient retention.² Telehealth also allows for frequent communication with a patient's addiction and mental health care team and can help address the stigma of initiating addiction and mental health treatment.³

In conclusion, without the swift passage of the TREATS Act, the Drug Enforcement Agency's actions to waive certain telehealth-related restrictions due to COVID-19 may soon expire. If Congress were to let that happen, then patients could experience an abrupt and needless disruption in access to life-saving addiction and mental health treatments through telehealth. We thank you for your leadership in introducing the TREATS Act, and we hope that you will strongly urge your colleagues to include it in the next COVID-19 legislative package.

Sincerely,

American Association for Psychoanalysis in Clinical Social Work
American Foundation for Suicide Prevention
American Psychiatric Association
American Psychological Association
American Society of Addiction Medicine
Anxiety and Depression Association of America
Centerstone
Children and Adults with Attention-Deficit/Hyperactivity Disorder
College of Psychiatric and Neurologic Pharmacists
Global Alliance for Behavioral Health and Social Justice
InnerWisdom, Inc.
National Association for Behavioral Healthcare
National Association for Rural Mental Health
National Association of County Behavioral Health and Developmental Disability Directors
National Council for Behavioral Health
National Health Care for the Homeless Council
Postpartum Support International
SMART Recovery
The Kennedy Forum
The National Alliance to Advance Adolescent Health

cc: Senator Lamar Alexander, Chair, Senate HELP Committee
Senator Patty Murray, Ranking Member, Senate HELP Committee
Representative Frank Pallone, Chair, House Energy and Commerce Committee
Representative Jerrold Nadler, Chair, House Judiciary Committee
Representative Richard Neal, Chair, House Ways and Means Committee
Representative Greg Walden, Ranking Member, House Energy and Commerce Committee
Representative Jim Jordan, Ranking Member, House Judiciary Committee
Representative Kevin Brady, Ranking Member, House Ways and Means Committee

² 2020 American Psychiatric Association Telehealth Survey.
<https://www.psychiatry.org/psychiatrists/covid-19-coronavirus>

³ Uscher-Pines, L., Huskamp, A., Mehrotra, A. (2020). Treating Patients With Opioid Use Disorder in Their Homes. Chicago, Illinois: The American Medical Association. Available at
<https://jamanetwork.com/journals/jama/fullarticle/2766674>