



Americans for Prosperity - Pennsylvania
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March 18, 2020

The Honorable Tom Wolf
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

On behalf of thousands of Americans for Prosperity activists across the Commonwealth's sixty-seven counties, thank you for your service.

As we navigate a landscape that is changing nearly hourly due to COVID-19, we wanted to provide several suggestions around executive opportunities you could consider as governor. While the General Assembly has moved scope of practice, CRNA title designation and telemedicine through some of the legislative process, they've not sent any of these measures to you yet. We believe there's an opportunity for you to end supervision requirements for APRN's and PA's, end telemedicine restrictions for all patients-including those on Medicaid-and waive PA licensing requirements for licensed out-of-state health care providers, as implemented in Colorado and Massachusetts.

Please see a more detailed description of our guidance memo we released yesterday (pg. 2) along with PA-specific policy suggestions on the accompanying pages and do not hesitate to contact me for any points of clarification.

We believe that if acted upon, these actions would put Keystone residents in a better position when it comes to addressing the public health emergency we find ourselves facing. If we stand together, we can overcome challenges and barriers that keep us from the most efficient receipt of health care services.

In Liberty and With Gratitude,
Ashley Klingensmith, State Director
Americans for Prosperity-Pennsylvania



Americans for Prosperity's Guidance for State-Based Reforms to Help Address COVID-19

Americans for Prosperity urges swift and targeted action to address the legitimate public safety and economic challenges associated with the spread of the novel coronavirus. Policymakers in state capitols across the country should act to ensure that high-risk populations have access to critical health care services.

As state governments continue to consider ways to address the novel coronavirus, Americans for Prosperity is identifying a number of steps that state policymakers can take today that could help expand access to critical health care services for those who need it.

- 1: Lift regulations to allow health care providers to work in the states with greatest need, regardless of the state in which they are licensed. This will free medical professionals to fully provide the services they are trained to provide.
- 2: Expand access to digital tools and telehealth systems that can help reduce the burden on the health system, improve access to health care, and increase social distancing.
- 3: Eliminate government restrictions on the number of hospital beds, CT scanners, or other health services through certificate of need mandates put unnecessary caps on these essential health care needs.
- 4: Make information about the virus and policymakers' decisions on combatting it accessible to the public. The open flow of information will allow stakeholders to enact appropriate measures and citizens to make informed decisions to protect public health.

State and local government is empowered to enact laws necessary to protect public health and safety. But even in a crisis like the one we face, elected officials must continue to respect civil liberties. As policymakers offer ways to protect public safety, Americans for Prosperity urges them to ensure that any limitations on civil liberties are temporary, equally applied, and as limited as necessary to address the emergency. AFP also encourages governments to invite the participation of community leaders to identify voluntary bottom up solutions to address the crisis.

Scope of Practice

- End Supervision requirements for APRNs and PAs

Telehealth

- Pennsylvania Medicaid currently only reimburses providers who deliver [real-time video consultations](#) (preview pg. 4). PA should allow Medicaid to reimburse providers for telehealth services beyond real-time video consultations, including:
 - phone consultations,
 - emails, personal messages, and fax
 - remote patient monitoring and store-and forward services.
- Allow PAs, clinical nurse specialists, and nurse anesthetists to deliver telemedicine, including for Medicaid patients

Medical Licensing

- Pennsylvania currently requires physicians practicing in neighboring states to apply for an [“extraterritorial license”](#) in order to practice in Pennsylvania.
 - The governor should immediately waive these requirements and allow all licensed health care providers from all states to freely practice in Pennsylvania (both in-person and through telehealth). Example: [Colorado](#) (preview pg. 5) and [Massachusetts](#)
 - In addition, the state should immediately renew expired Pennsylvania licenses, certificates, permits, and registrations for health care providers. Example: Colorado and [Maryland](#) (preview pg. 6)

Pennsylvania

Medicaid Program: Pennsylvania Medical Assistance Program (MA)

Medicaid Program Administrator: Department of Public Welfare

Regional Telehealth Resource Center:

PO Box 800711
 Charlottesville, VA 22908-0711
 (434) 906-4960 / (855) MATRC4U
www.matrc.org

STATE LAW/REGULATIONS	MEDICAID PROGRAM
Definition of telemedicine/telehealth	
No reference found.	Telemedicine is the use of real-time interactive telecommunications technology that includes, at a minimum, audio and video equipment as a mode of delivering consultation services. <i>Source: PA Department of Public Welfare, Medical Assistance Bulletin 09-12-31, 31-12-31, 33-12-30, May 23, 2012.</i>
Live Video Reimbursement	
No reference found.	Pennsylvania Medicaid will reimburse for live video for specialty consultations. Eligible Providers (fee for service): <ul style="list-style-type: none"> • Physicians • Certified registered nurse practitioners • Certified nurse midwives Providers under a managed care system should contact the appropriate managed care organization. <i>Source: PA Department of Public Welfare, Medical Assistance Bulletin 09-12-31, 31-12-31, 33-12-30, May 23, 2012.</i> Telepsychiatry Services PA Medicaid will reimburse licensed psychiatrists and licensed psychologists for telepsychiatry outpatient services including: <ul style="list-style-type: none"> • Psychiatric diagnostic evaluations • Psychological Evaluations • Pharmacological management • Consultations (with patient/family) • Psychotherapy Providers must have documented endorsement to deliver mental services through telepsych from the county mental health program and the HealthChoices Behavioral Health Managed Care Organization, and this endorsement must be submitted to the PA Office of Mental Health and Substance Abuse Services regional



COLORADO

Department of
Regulatory Agencies

Division of Professions and Occupations

Guidance for Healthcare Professionals Not Currently Licensed in Colorado

The State of Colorado is seeing an increasing demand for qualified healthcare professionals to assist in the testing, treatment, and care of patients with COVID-19. Under the direction of Governor Jared Polis, the Division of Professions and Occupations at the Department of Regulatory Agencies (DORA) has conducted a review of existing licensing exemptions that allow for individuals in the healthcare field who either hold licenses in other states or who have allowed their license to expire in Colorado to immediately resume work within their scope of practice, provided their out-of-state or expired license is/was in good standing.

Healthcare providers who are being called upon to assist in caring for patients, but who are wondering if they can lawfully practice without a current Colorado license should consider the following exemptions and provisions that will allow them to immediately resume work in the field:

□ All Healthcare Providers

- A provider with an expired or lapsed license, registration, or certification may operate within a 60 day grace period without being subject to penalties or fines under [C.R.S. §12-20-202\(1\)\(e\)](#). **Note:** Medical professionals must be aware of reimbursement and liability concerns beyond the date of license expiration.
- Any active military personnel, including any National Guard member or reservist, and any veteran who has not been dishonorably discharged may operate under an expired license, certificate, or registration of any active military personnel for a minimum of 30 days under [C.R.S. §12-20-202\(2\)\(b\)](#).
- A military spouse who has been relocated to Colorado by military orders, and has an active license in good standing from another state, can practice in most professions regulated by DPO for up to one year from the date they move before obtaining a Colorado license under [C.R.S. §12-20-304](#).

□ Physicians

- A physician or physician in training may temporarily practice without a Colorado license or physician training license under the following provisions of [C.R.S. §12-240-107\(3\)](#):
- The physician is licensed and lawfully practicing medicine in another state or territory of the United States without restrictions or conditions;
- Does not otherwise have an established or regularly used medical staff membership or clinical privileges in Colorado;

Current as of March 13, 2020



The State of Maryland
Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND

EXTENDING CERTAIN LICENSES, PERMITS, REGISTRATIONS, AND
OTHER GOVERNMENTAL AUTHORIZATIONS, AND AUTHORIZING
SUSPENSION OF LEGAL TIME REQUIREMENTS

- WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;
- WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;
- WHEREAS, The U.S. Centers for Disease Control and Prevention has advised employers, such as the State of Maryland, to prepare for increased employee absence and alternative working arrangements (such as teleworking) in response to an outbreak of COVID-19;
- WHEREAS, Increased employee absence and alternative working arrangements within the State of Maryland's workforce may impact the State's ability to timely process renewals of expiring permits, licenses, registrations, and other governmental authorizations;
- WHEREAS, The U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend social distancing to reduce the spread of COVID-19;
- WHEREAS, Renewal of expiring permits, licenses, registrations, and other governmental authorizations often requires the public to enter public buildings and interact with State employees and other persons, which may be contrary to prudent social distancing; and