



## **2022 Mid-Year Convention Ferndale, Washington**

### **RESOLUTION #2022 – 20**

### **Call on Centers for Medicare and Medicaid Services and States to Permanently Expand Telehealth**

#### **PREAMBLE**

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

**WHEREAS**, in March of 2020, the Secretary of the Department of Health and Human Services declared a public health emergency (PHE) to appropriately respond to the spread of COVID-19; and

**WHEREAS**, in furtherance of the declared PHE, Centers for Medicare and Medicaid Services (CMS) granted blanket waivers through 1135 waivers to give states flexibilities to

expand covered services in their Medicaid state plans, including to facilitate reimbursement for telehealth services and provided flexibility to expand telehealth for Medicare; and

**WHEREAS**, telehealth, sometimes referred to as telemedicine, is the use of electronic information and telecommunications technologies, to extend care when a provider and a patient are not in the same place at the same time; and

**WHEREAS**, telehealth technologies include videoconferencing, store-and-forward imaging, streaming media, and terrestrial and wireless communications, including audio-only calls; and

**WHEREAS**, prior to the COVID-19 PHE, CMS and many states did not allow for healthcare services to be furnished through telehealth or provided for Medicaid and Medicare reimbursement of those services; and

**WHEREAS**, many states quickly waived their own laws and regulations and utilized flexibilities under the public health emergency to make telehealth available; and

**WHEREAS**, since the PHE was declared in 2020, many states have not amended their Medicaid state plans or made necessary changes in their laws and regulations to make reimbursement for telehealth permanent; and

**WHEREAS**, in accordance with the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), CMS has authorized rural health clinics and federally qualified health centers to provide distant site telehealth services to Medicare patients during the PHE and developed payment rates similar to the national average payment rates; and

**WHEREAS**, CMS temporarily added to the Medicare telehealth services list to expand reimbursable services furnished via telehealth which has been extended through December 31, 2023; and

**WHEREAS**, through the use of telehealth, IHS/Tribal programs have been able to expand access to healthcare for AI/AN people and has become a permanent part of their healthcare operations; and

**WHEREAS**, once the PHE ends, many states will no longer cover telehealth services and after December 31, 2023 CMS will not be able to cover a number of telehealth services for Medicare patients which would result in IHS/Tribal health programs losing reimbursement for their telehealth services; now

**THEREFORE BE IT RESOLVED**, that ATNI calls on states to immediately amend their state plans to make Medicaid reimbursement permanent for telehealth, including the use of audio-only calls; and

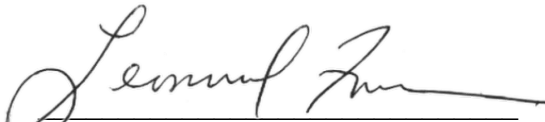
**BE IT FURTHER RESOLVED**, that ATNI urges CMS to compel states to amend their state plans and accompanying billing guides and state regulations to provide for Medicaid reimbursement for telehealth beyond the public health emergency; and

**BE IT FURTHER RESOLVED**, that ATNI calls on CMS to make all telehealth services on the Medicare telehealth services list available beyond the PHE and to authorize Medicare telehealth furnished services by Federally Qualified Health Centers and Rural Health Clinics to be reimbursed at the Office of Management and Budget encounter rate; and

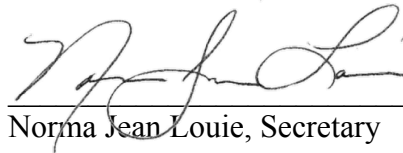
**BE IT FINALLY RESOLVED**, that this be submitted to NCAI and NIHB for support.

### CERTIFICATION

The foregoing resolution was adopted at the 2022 Mid-Year Convention of the Affiliated Tribes of Northwest Indians, Silver Reef Casino Resort, Ferndale, Washington, on May 16-19, 2022, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary