



November 1, 2017

Director, Regulations Management (02REG)  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Room 1068  
Washington, DC 20420

RE: RIN **2900-AQ06** - Authority of Health Care Providers to Practice Telehealth

On behalf of the more than 115,000 PAs (physician assistants) throughout the United States, the American Academy of PAs (AAPA) appreciates the opportunity to submit comments in support of the Department of Veterans Affairs' (VA) proposed rule to allow the VA to preempt conflicting state laws relating to the practice of healthcare providers when such healthcare providers are practicing telehealth within the scope of their VA employment.

This proposed rule is related to President Trump's "Anywhere to Anywhere" telehealth initiative. The initiative will expand access to healthcare and remove restrictions that keep VA healthcare providers from practicing to the full extent of their education and experience. Telemedicine allows for greater care coordination and improved quality of care based on the ability to monitor patients with greater frequency, using less time and presenting patients and providers with a different option to coordinate their care. In FY 2016 healthcare providers at the VA provided 2.17 million telehealth episodes of care to over 702,000 veterans. This rule would ensure even more VA patients could have access to these services. AAPA supports the objective of the proposed rule to ensure qualified providers, including PAs, employed by the VA, are able to make sure veterans receive the same high level of care and access to care no matter where a beneficiary or healthcare provider is located at the time the healthcare is provided.

AAPA understands that to protect healthcare providers from potential adverse actions by state licensing boards, many VA medical centers are currently not expanding some critical telehealth services if the healthcare service is provided outside Federal property (such as when the beneficiary is receiving telehealth care in his or her home, or when the VA provider is delivering telehealth care from his or her home) or across State lines. AAPA appreciates the VA making clear that conflicting state and local laws, rules, regulations, and requirements related to healthcare providers' practice would have no force or effect when VA providers are practicing telehealth while working within the scope of their VA employment. Such action should enable the VA to quickly expand patient access to telehealth services and ensure patients throughout the VA system receive uniform, high quality care.

#### **PAs in the VA**

PAs represent a highly educated and experienced VA workforce that provides the comprehensive care veterans desperately need across a wide range of clinical settings and specialties. The VA currently employs over 2,200 PAs. These PAs often serve as the first point of contact for patients at the VA and

are tasked with providing them efficient and high-quality care. Additionally, many of the PAs who are employed by the VA are themselves veterans and have a strong desire to serve veterans.

PAs at the VA have practiced for decades under federally established guidelines. The current PA utilization directive, which was issued in 2013, makes clear that “states are prohibited from regulating or controlling the activities of the federal government without written Congressional consent; where federal and state laws conflict, federal law governs official actions of Federal employees.” The directive also states that “examples of the types of activities that the federal government may establish are qualifications for employment and scopes of practice.” This rule will further reinforce this directive regarding the provision of telehealth services by VA PAs.

### **Further Steps to Improve Healthcare in the VA**

AAPA appreciates the steps the VA is taking in this proposed rule to expand access to telehealth services throughout the VA. But we believe there is another step the VA can take that will expand and speed up access to highly qualified healthcare providers for VA patients – granting full practice authority to PAs at the VA. Just as this proposed regulation would preempt conflicting state and local laws relating to the practice of healthcare providers when such healthcare providers are practicing telehealth within the scope of their VA employment, AAPA thinks it is equally important to remove barriers that may restrict the ability of providers, such as PAs, to practice to the level of their education and experience. AAPA hopes the VA will strongly consider providing full practice authority to PAs in the near future.

AAPA supports the proposed rule to standardize the delivery of care by healthcare providers in the VA through telehealth, and stands ready to assist the VA in meeting its challenge to provide veterans with timely access to high quality medical care. Should you have any questions or require additional information, please do not hesitate to contact Tate Heuer, AAPA Vice President, Federal Advocacy, at 571-319-4338 or at [theuer@aapa.org](mailto:theuer@aapa.org).

Sincerely,



L. Gail Curtis, MPAS, PA-C, DFAAPA  
President and Chair of the Board