



March 14, 2022

The Honorable Patty Murray
Chair
Committee on Health, Education,
Labor and Pensions (HELP)
U.S. Senate
Washington, DC 20510

The Honorable Richard Burr
Ranking Member
Committee on Health, Education,
Labor and Pensions (HELP)
U.S. Senate
Washington, DC 20510

Re: Support for inclusion of Telemedicine-focused TREAT Act amendment in the HELP Committee’s PREVENT Pandemics Act

Dear Chair Murray and Ranking Member Burr:

On behalf of the American Council on Education and the undersigned higher education associations, we urge the Senate HELP Committee to include Senator Chris Murphy’s amendment containing the “Temporary Reciprocity to Ensure Access to Treatment (TREAT) Act” in the Committee’s PREVENT Pandemics Act (S. 3799) during markup of the bill.

The COVID-19 pandemic strained the health care delivery system in unprecedented ways, including because inter-state licensing created significant barriers to remote care. In response, some governors and most state legislatures issued executive orders and emergency declarations temporarily allowing, to varying degrees, limited license reciprocity with other states.¹ As a result, telehealth, virtual health care via video or phone, quickly became a lifeline for college and university students during the pandemic as they returned to their homes, often far from their campus-based physical and behavioral health care providers. Telehealth continues to be an important tool that college and university counseling centers and student health centers use to serve the physical and behavioral health care needs of students. The long term trend of rising mental health challenges of college students and youth in general was only exacerbated by the pandemic. This led Surgeon General Vivek Murthy in December 2021 to issue an advisory, “Protecting Youth Mental Health,” focused on the enormous mental health challenges facing our young people, including college students.²

Even as the use of telehealth and tele-mental health rose dramatically during the COVID-19 crisis, the patchwork of state and local licensing laws that restrict the provision of care across state lines via telehealth technology remains a significant barrier to timely access to vital physical and behavioral health care. The result is confusion and delay. As the American Medical Association noted in its statement for the March 2, 2021 hearing on the future of telehealth of the Health Subcommittee of the House Energy and Commerce Committee, “[t]he success of telehealth technology adoption during the COVID-19 public health

¹https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Briefing%20Memo_HE%20Hearing_2021.03.02.pdf

² <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>

emergency has made it abundantly clear that geographic and origination restrictions on accessing telehealth services are outdated and arbitrary given today's technology that allows for access to digital tools from anywhere.”³ The bipartisan, bicameral TREAT Act addresses this serious issue in preparation for a future pandemic.

Senator Murphy's TREAT Act amendment would create a **temporary** license reciprocity for **all practitioners or professionals** (those who treat both physical and mental health conditions) in **all states** for in-person or telehealth visits during a declared national health emergency. Health care professionals would continue to practice within the scope of practice authorized by state and local authorities in the jurisdiction in which the provider holds a valid license. The TREAT Act would merely permit health care providers who hold a valid license in **good standing** in at least one state to practice in all other states for the duration of the emergency declaration. The TREAT Act is intended to apply **only** in situations of national or widespread emergencies triggered by presidential Stafford Act activation and the Secretary of Health and Human Services' declaration of a public health emergency. It does not apply in all disaster situations, especially in those affecting just one state or a specific region. Ultimately, under the bill all state licensing practices will revert to normal at the conclusion of the national emergency, following a limited transition period.

The HELP Committee should include Senator Murphy's TREAT Act amendment in the PREVENT Pandemics Act to ensure that students and others across the nation in a future pandemic will have access to the care they need, when they need it. This no-cost measure is a common-sense solution carefully tailored to prepare for and help respond to a future national health emergency like the COVID-19 pandemic.

We thank you for your attention to this critical issue and are grateful for your leadership in helping prepare for a future pandemic.

Sincerely,



Ted Mitchell
President

On behalf of:

Alabama Association of Independent Colleges and Universities
American Association of Community Colleges
American Association of State Colleges and Universities
American College Health Association
American Council on Education
Asociación de Colegios y Universidades Privadas de Puerto Rico (ACUP) [The Association of Private Colleges and Universities of Puerto Rico]
Association for University and College Counseling Center Directors
Association of American Universities
Association of Catholic Colleges and Universities
Association of Governing Boards of Universities and Colleges

³ [Statement of the American Medical Association for telehealth hearing, p. 5](#)

Association of Independent California Colleges and Universities
Association of Independent Colleges and Universities in Massachusetts
Association of Independent Colleges and Universities of Ohio
Association of Independent Colleges and Universities of Pennsylvania
Association of Independent Colleges and Universities of Rhode Island
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Association of Vermont Independent Colleges
Council for Christian Colleges & Universities
Connecticut Conference of Independent Colleges
Council for Higher Education Accreditation
Council of Graduate Schools
EDUCAUSE
Georgia Independent College Association
Independent Colleges of Indiana
Louisiana Association of Independent Colleges and Universities
Michigan Independent Colleges & Universities
NASPA - Student Affairs Administrators in Higher Education
National Association for Equal Opportunity in Higher Education (NAFEO)
National Association of Independent Colleges and Universities
Oregon Alliance of Independent Colleges and Universities
South Carolina Independent Colleges and Universities
State Higher Education Executive Officers Association