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October 6, 2022

The Honorable Denis R. McDonough
Secretary of Veterans Affairs
810 Vermont Ave, NW
Washington, DC 20420

**RE: 38 CFR Part 17 RIN 2900–AQ59 Health Care Professionals
Practicing Via Telehealth**

Dear Secretary McDonough,

The American Academy of Neurology (AAN) is the world's largest neurology specialty society representing more than 38,000 neurologists and clinical neuroscience professionals. The AAN is dedicated to promoting the highest quality patient-centered neurologic care. A neurologist is a physician with specialized training in diagnosing, treating, and managing disorders of the brain and nervous system. These disorders affect one in six people and include conditions such as multiple sclerosis (MS), Alzheimer's disease (AD), Parkinson's disease, stroke, migraine, epilepsy, traumatic brain injury, ALS, and spinal muscular atrophy.

The AAN is grateful for the opportunity to comment on the proposed rule to amend the Department of Veterans Affairs (VA) medical regulations that govern the VA health care professionals who deliver healthcare via telehealth. The rule proposes to clarify the supremacy of VA rules governing telehealth over state laws that may otherwise restrict VA providers and beneficiary access to care.

The AAN supports the clarification provided by this proposed rule to the current telehealth policies of the Department of Veteran Affairs. The AAN believes that codifying this policy will prevent possible confusion or obstruction for the VA's patients and providers after the termination of the Covid-19 public health emergency ends.

Interstate Delivery of Telehealth:

The proposed rule notes that when a State law or requirement is inconsistent with the VA rule regarding administration of telehealth, "the healthcare professional is required to abide by their Federal duties and requirements."¹ The AAN supports the intention and effect of this proposal to limit any confusion about discrepancies between governing bodies, noting the

¹ 87 Fed. Reg. at 51631

supremacy of the VA statute as it relates to Veterans Health Administration based healthcare professionals, so long as they are operating within the scope of their duties. The examples provided in the proposed rule succinctly explain common areas that a health care professional may experience misunderstanding.

The AAN concurs with the VA and believes that physicians within the VA system should not be required to meet burdensome licensing requirements in every state in which they deliver care via telehealth. The AAN appreciates the VA's acknowledgement of the importance and efficacy of VA health care professionals being able to treat veterans across state lines using telehealth. We strongly support this policy and believe it will increase access to care for beneficiaries and lessen administrative burdens on providers.

Consistency in Legal Definitions:

The AAN supports the proposal to unify the definitions of 'health care professional' and 'health care provider' within the VA by amending the definition of health care provider to instead refer to health care professionals. This, again, will mitigate any confusion throughout VA statute, as the VA already considers the terms equated. The AAN agrees with the provision that the VA will include the term health care professional to include those under clinical supervision of a health care professional. The AAN also supports the VA's efforts to streamline regulations to promote efficient access to care.

Please contact Max Linder, the AAN's Government Relations Manager at mlinder@aan.com, or Hallie Koch the AAN's Government Relations Program Manager at hkoch@aan.com with any questions or request for additional information.

Sincerely,

A handwritten signature in black ink that reads "Orly Avitzur MD". The signature is written in a cursive, flowing style.

Orly Avitzur, MD, MBA, FAAN
President, American Academy of Neurology