

August 13, 2020

The Honorable Alex Azar
Secretary
Department of Health and Human
Services
200 Independence Avenue, NW
Washington, District of Columbia 20201

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, District of Columbia 20250

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, District of Columbia 20554

RE: *Developing and Implementing a Strategy to Improve Rural Health by Improving the Physical and Communications Healthcare Infrastructure Available to Rural Americans*

ACT | The App Association's Connected Health Initiative (CHI)¹ writes to provide input to assist your implementation of the Executive Order on Improving Rural Health and Telehealth Access issued on August 3, 2020.² We appreciate the issuance of this timely Executive Order and support its goals. Section 3 of the Executive Order requires you to "develop and implement a strategy to improve rural health by improving the physical and communications healthcare infrastructure available to rural Americans" within 30 days of the issuance of the Executive Order.³

Your coordinated activities pursuant to Section 3 of the Executive Order could not take place at a more critical time. Amidst the ongoing COVID-19 public health emergency, it is increasingly evident that while the United States made progress to provide broadband connectivity to many Americans, it still has a long way to go. It is imperative to provide rural Americans across the country with robust broadband access and to enable rural healthcare providers to utilize such connectivity to deliver improved care at lower costs.

¹ <http://www.connectedhi.com/>

² Exec. Order No. _____, Improving Rural Health and Telehealth Access (Aug. 3, 2020), *available at* <https://www.whitehouse.gov/presidential-actions/executive-order-improving-rural-health-telehealth-access/>.

³ *Id.*

Robust wireless broadband connectivity is also necessary to reinforce countless new consumer and enterprise services that we develop and on which we rely, which in turn empower increased societal opportunity and participation in an increasingly digital world.

Clinicians and their patients need reliable broadband connectivity that will enable remote care, supported by your agencies. Namely, your agencies should support Medicare clinicians' use of new remote care technologies enabled by new efficient television white spaces (TVWS) technologies for much-needed last-mile wireless broadband connectivity that will support new and innovative digital healthcare innovations for rural Americans.

TVWS technologies utilize unused spectrum channels between television broadcast channels to provide fixed wireless broadband connections over the airwaves cost-effectively. Additionally, TVWS spectrum enables data to be transmitted at high speeds over longer distances through obstacles including buildings, hills, and trees. This can be an asset when looking for the best broadband connectivity solution. The potential of TVWS technologies was initially validated through extensive engineering testing overseen by the Federal Communications Commission and which has supported its evolution by making spectrum available to provide this important last-mile connectivity solution which is essential to continuing the efforts to close the digital divide.⁴

Your agencies can satisfy Section 3 of the Executive Order by coordinating the following actions:

- **The Department of Health and Human Services (HHS)** should advance the responsible use of innovative technologies in providing care for Medicare beneficiaries outside of the four walls of the doctor's office. The Centers for Medicare and Medicaid Services should expand its support for, and reduce barriers for using, Medicare telehealth services; further incentivize the use of asynchronous technologies (e.g., remote physiologic monitoring, e-visits, and other modalities) for disease prevention, diagnosis, and treatment; and modernize regulatory burdens on healthcare providers and patients who utilize new and innovative technology solutions to provide care to patients through elimination of cost-sharing requirements and overdue reform for healthcare privacy and anti-fraud requirements.

⁴ See *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2019 Broadband Deployment Report, 34 FCC Rcd 3857 (2019) (noting that 19 million Americans lack broadband access, and it is especially apparent in rural areas).

- **The Federal Communications Commission (FCC)** should work to reduce barriers to broadband deployment and expand support for its Rural Health Care Program as well as its COVID-19 Telehealth Program in order to provide much-needed connectivity for both healthcare providers and patients in rural America. Further, the FCC must maximize the use of spectrum and advance much-needed TVWS rules as soon as possible. FCC has already done much to responsibly enable TVWS technologies and is currently considering proposals to allow for wider broadband coverage through increased antenna height and power with proper interference safeguards; create geofenced mobile platforms; and deploy narrowband internet of things (NB-IoT), representing necessary steps to enable robust last-mile connectivity, as well as the development of new network edge innovations. The FCC should advance these proposals as soon as possible hopefully not later than the end of the summer or early Fall.
- **The U.S. Department of Agriculture (USDA)'s Rural Utility Service (RUS)** grant rules should be rapidly modernized to support new and efficient last-mile wireless connectivity projects that are far more efficient than wireline deployments. We call on RUS to commit to modernization of the RUS to support modern and efficient broadband. RUS should also consider applicants providing wireless broadband solutions with TVWS technologies in their proposals as imperative “last-mile” connectivity essential to continuing the efforts for closing the digital divide.⁵

We applaud your efforts to advance the goals of the Executive Order's Section 3 and stand ready to support your actions to improve healthcare for rural America through speeding the deployment of communications infrastructure to support much-needed healthcare innovations.

⁵ See *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2019 Broadband Deployment Report, 34 FCC Rcd 3857 (2019) (noting that 19 million Americans lack broadband access, and it is especially apparent in rural areas).

Sincerely,



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The Connected Health Initiative (CHI), an initiative of ACT | The App Association, is the leading multistakeholder spanning the connected health ecosystem seeking to effect policy changes that encourage the responsible use of digital health innovations throughout the continuum of care, supporting an environment in which patients and consumers can see improvements in their health. CHI is driven by the its Steering Committee, which consists of the American Medical Association, Apple, Bose Corporation, Boston Children's Hospital, Cambia Health Solutions, Dogtown Media, George Washington University Hospital, HIMSS, Intel Corporation, Kaia Health, Microsoft, Novo Nordisk, The Omega Concern, Otsuka Pharmaceutical, Podometrics, Rimidi, Roche, United Health Group, the University of California-Davis, the University of Mississippi Medical Center (UMMC) Center for Telehealth, the University of New Orleans, and the University of Virginia Center for Telehealth.

For more information, see www.connectedhi.com.