

United States Senate

WASHINGTON, DC 20510

July 30, 2019

533

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Pai:

We write to urge you to postpone adoption of the proposed Report and Order to reform the Federal Communications Commission's (FCC) Rural Health Care (RHC) Program that is currently on the agenda for the FCC's August 1, 2019 meeting. While we recognize your efforts to adopt much-needed improvements to the RHC program, the proposal neither provides sufficient guidance to applicants nor addresses several of the program's key issues, and will ultimately lead to increased confusion and funding delays for rural health care applicants and providers.

For Americans living in rural areas, physician shortages and hospital closures have made obtaining reliable access to high-quality health care a constant challenge. Broadband connectivity, and the opportunities in telemedicine and telehealth that it supports, allows rural communities to access care. Congress provided the Commission with the mandate to make access to health care a reality through broadband by enacting Section 254 of the Telecommunications Act of 1996. This law states that public and non-profit rural health care providers must receive access to necessary telecommunications and broadband services at affordable rates. It was with this goal that the Commission created the RHC program and the HCF, and it was with recognition of the program's value that thirty-one senators pushed the FCC to increase the program's annual spending cap to account for current and future demand last year.

Prior to this increase, the demand for RHC funding exceeded the program's \$400 million annual cap for the first time. We advocated for strengthening the RHC and increasing its funding because we believed then, as we do now, that American families deserve access to high-quality and reliable health care, regardless of the zip code in which they live. The Commission acted in June 2018, increasing the RHC funding cap to reflect inflation. While we are pleased with this action, this amount of funding has proven insufficient to address continued growth in the program.

This lack of sufficient funding, combined with a lack of program rules concerning its allocation, has led to substantial delays for rural health care providers seeking to increase their telemedicine capabilities. Ensuing uncertainty has caused many providers to drop out of the program or to curtail their telemedicine services altogether. We were pleased that the Commission had begun a rulemaking process to address these serious shortcomings. Unfortunately, the Report and Order released on July 11 fails to fix many of the key issues that must be resolved for the program to operate smoothly. The proposal, for instance, does not address the need for more funding, set

forth the methodology for calculating the rural and urban rates, nor provide adequate maps to determine the rural area boundaries needed to determine pricing. Instead, it delegates rate-setting to the Universal Service Administrative Company (USAC), an entity that does not have relevant subject matter experience. Ultimately, the proposal fails to provide sufficient guardrails of transparency to guarantee confidence that the program will be implemented in a consistent manner.

Congress enacted the RHC program to improve health care delivery to rural and underserved communities through innovation in telecommunications. Given the importance of this program to the nation's rural and underserved populations and the public interest in a fair and expedient application and review process, we urge you to postpone a decision on the proposed Report and Order so that rural health care practitioners and broadband providers can work with you to address these concerns and allow the program to succeed to its full potential. We stand ready to assist as appropriate.

Sincerely,



Ron Wyden
United States Senator



John Hoeven
United States Senator



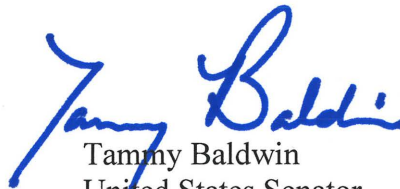
Tom Udall
United States Senator



John Cornyn
United States Senator



Shelley Moore Capito
United States Senator



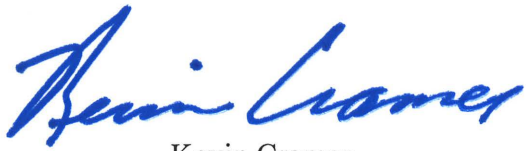
Tammy Baldwin
United States Senator



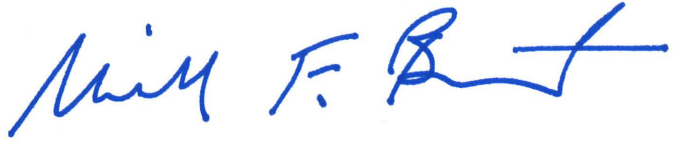
Sherrod Brown
United States Senator



Lisa Murkowski
United States Senator



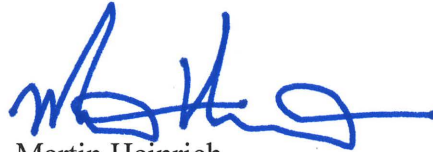
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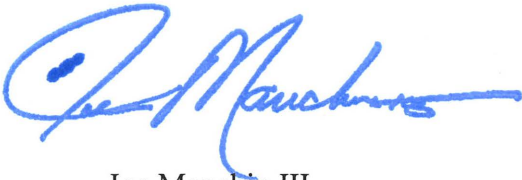
Michael F. Bennet
United States Senator



Angus S. King, Jr.
United States Senator



Martin Heinrich
United States Senator



Joe Manchin III
United States Senator



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 15, 2019

The Honorable Angus King
United States Senate
133 Hart Senate Office Building
Washington, DC 20510

Dear Senator King:

Thank you for your letter regarding the Commission's efforts to strengthen the Rural Health Care (RHC) Program and improve access to telehealth in rural America. As the son of two doctors in rural Kansas, I understand the critical role that broadband plays in providing patients in rural areas with high-quality health care services. And as Chairman, I've seen the potential of telemedicine firsthand, from a Veterans Affairs facility in rural Lecanto, Florida to Hermiston, Oregon, where local health care providers are making a real impact on rural communities.

The RHC Program helps health care providers afford the connectivity that they need to better serve patients. We have taken several steps to extend the program's impact to those who may not otherwise have access to high-quality health care. For instance, we adopted the first increase to the program's budget in a generation. Specifically, in a June 2018 Order, the Commission increased the annual RHC Program funding cap by 43%, to \$571 million, starting with FY 2017; adjusted the RHC Program funding cap for inflation, starting in FY 2018; and established a process to carry-forward unused funds from past funding years for use in future funding years. Thanks to these measures, all supported services provided to rural health care providers in the Rural Health Care Program in FY 2018 were fully funded.

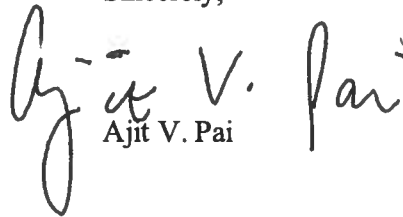
In addition, we must always ensure that scarce federal funds are being well spent. After all, every dollar misspent by an unscrupulous service provider is a dollar not devoted to telemedicine and the patients who need it. That's why, in order to promote the efficient distribution of limited RHC Program funds, and increase transparency and predictability for Program participants, the Commission adopted a Report and Order at the FCC's August Open Meeting which reformed RHC Program rules. The Report and Order (1) reformed the distribution of RHC funding to promote efficiency and changed aspects of the Telecommunications Program that encourage waste, fraud, and abuse; (2) streamlined and simplified the calculations of the discounted rates that health care providers pay for communications services and the amount of support received from the program; (3) directed the Program Administrator to create a database of rates that health care providers could use to quickly and easily determine the amount of support they can receive from the Program; (4) targeted funding to the most rural areas and those facing shortages of health care providers and ensured that eligible rural health care providers continue to benefit from program funding in the event that demand for the Program exceeds its funding cap; (5) simplified the application process for Program participants and provided more clarity regarding Program procedures; and (6) directed the Program Administrator to take a variety of actions to increase transparency in the

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I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



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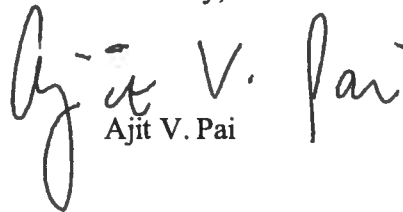
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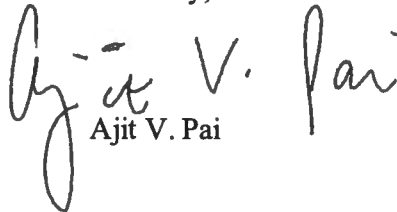
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Ajit V. Pai



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October 15, 2019

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United States Senate
338 Russell Senate Office Building
Washington, DC 20510

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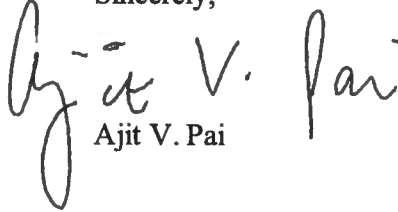
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Ajit V. Pai



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October 15, 2019

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United States Senate
B240C Dirksen Senate Office Building
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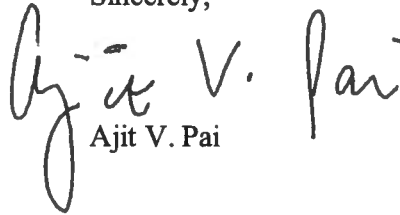
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Ajit V. Pai



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October 15, 2019

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522 Hart Senate Office Building
Washington, DC 20510

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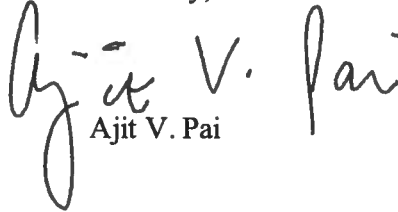
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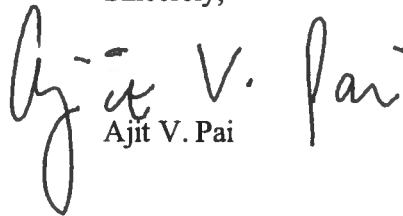
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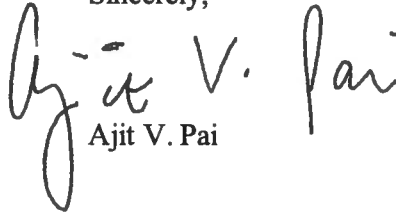
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THE CHAIRMAN

October 15, 2019

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Wyden:

Thank you for your letter regarding the Commission's efforts to strengthen the Rural Health Care (RHC) Program and improve access to telehealth in rural America. As the son of two doctors in rural Kansas, I understand the critical role that broadband plays in providing patients in rural areas with high-quality health care services. And as Chairman, I've seen the potential of telemedicine firsthand, from a Veterans Affairs facility in rural Lecanto, Florida to Hermiston, Oregon, where local health care providers are making a real impact on rural communities.

The RHC Program helps health care providers afford the connectivity that they need to better serve patients. We have taken several steps to extend the program's impact to those who may not otherwise have access to high-quality health care. For instance, we adopted the first increase to the program's budget in a generation. Specifically, in a June 2018 Order, the Commission increased the annual RHC Program funding cap by 43%, to \$571 million, starting with FY 2017; adjusted the RHC Program funding cap for inflation, starting in FY 2018; and established a process to carry-forward unused funds from past funding years for use in future funding years. Thanks to these measures, all supported services provided to rural health care providers in the Rural Health Care Program in FY 2018 were fully funded.

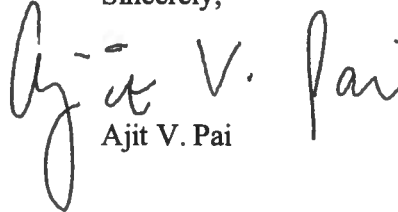
In addition, we must always ensure that scarce federal funds are being well spent. After all, every dollar misspent by an unscrupulous service provider is a dollar not devoted to telemedicine and the patients who need it. That's why, in order to promote the efficient distribution of limited RHC Program funds, and increase transparency and predictability for Program participants, the Commission adopted a Report and Order at the FCC's August Open Meeting which reformed RHC Program rules. The Report and Order (1) reformed the distribution of RHC funding to promote efficiency and changed aspects of the Telecommunications Program that encourage waste, fraud, and abuse; (2) streamlined and simplified the calculations of the discounted rates that health care providers pay for communications services and the amount of support received from the program; (3) directed the Program Administrator to create a database of rates that health care providers could use to quickly and easily determine the amount of support they can receive from the Program; (4) targeted funding to the most rural areas and those facing shortages of health care providers and ensured that eligible rural health care providers continue to benefit from program funding in the event that demand for the Program exceeds its funding cap; (5) simplified the application process for Program participants and provided more clarity regarding Program procedures; and (6) directed the Program Administrator to take a variety of actions to increase transparency in the

Page 2—The Honorable Ron Wyden

Program and ensure that all applicants receive complete and timely information to help inform their decisions regarding eligible services and purchases. The Commission is confident that these much-needed reforms will enable more rural Americans to benefit from telemedicine and telehealth services and will ensure more fiscally responsible administration of the RHC program.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ajit V. Pai". The signature is fluid and stylized, with the first and last names being more prominent than the middle initial.

Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 15, 2019

The Honorable Shelley Moore Capito
United States Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Senator Capito:

Thank you for your letter regarding the Commission's efforts to strengthen the Rural Health Care (RHC) Program and improve access to telehealth in rural America. As the son of two doctors in rural Kansas, I understand the critical role that broadband plays in providing patients in rural areas with high-quality health care services. And as Chairman, I've seen the potential of telemedicine firsthand, from a Veterans Affairs facility in rural Lecanto, Florida to Hermiston, Oregon, where local health care providers are making a real impact on rural communities.

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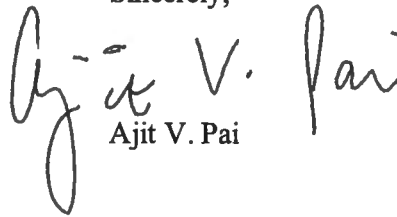
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 15, 2019

The Honorable Sherrod Brown
United States Senate
713 Hart Senate Office Building
Washington, DC 20510

Dear Senator Brown:

Thank you for your letter regarding the Commission's efforts to strengthen the Rural Health Care (RHC) Program and improve access to telehealth in rural America. As the son of two doctors in rural Kansas, I understand the critical role that broadband plays in providing patients in rural areas with high-quality health care services. And as Chairman, I've seen the potential of telemedicine firsthand, from a Veterans Affairs facility in rural Lecanto, Florida to Hermiston, Oregon, where local health care providers are making a real impact on rural communities.

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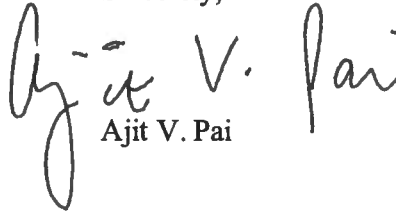
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 15, 2019

The Honorable Tammy Baldwin
United States Senate
709 Hart Senate Office Building
Washington, DC 20510

Dear Senator Baldwin:

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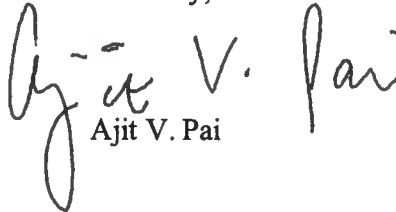
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 15, 2019

The Honorable Tom Udall
United States Senate
531 Hart Senate Office Building
Washington, DC 20510

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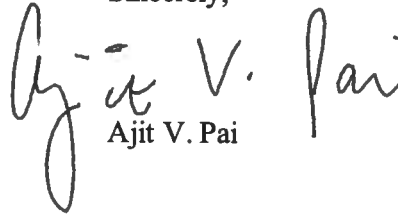
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Ajit V. Pai