

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Promoting Telehealth for Low-Income Consumers*, WC Docket No. 18-213.

From the outset, I want to commend my colleague, Commissioner Carr, for picking up and running with a critical matter after the departure of Commissioner Clyburn, who championed this issue during her tenure. Having spent a portion of my past career focused on health care, and specifically on health care technology, I am very aware of just how incredibly complex and intertwined the overarching problems can be. From licensing and funding, to jurisdictional lines and overall inertia, improving America's health care system is not for the faint of heart and isn't something where you can just dabble. I know Commissioner Carr realizes how all-encompassing health care technology policy can be and is up to the task.

Similarly, working within the bounds of the FCC's universal service programs can be equally complex, especially since they were made explicit by Congress. These programs have served to help connect consumers and communities that would not otherwise have access to modern communications networks. Accordingly, it is not surprising to see a desire to expand their scope to other aspects of our increasingly connected lives. At the same time, there are certain statutory, fiscal, and practical limits on this agency's mission that keep us from engaging in certain areas, no matter how compelling a particular idea may be.

My goal is to ensure that any new program is: legally sound; coordinated both within the universal service fund (USF) and with other agency programs to avoid duplication; cost-effective for consumers and businesses that would fund it; and accountable to the agency and the American public. This Notice of Inquiry does raise some concerns along those lines, which I will touch on briefly.

- First, I have been skeptical of the agency's authority to conduct pilot programs, particularly those that involve beneficiaries, services, and equipment not already authorized by law. At a minimum, I suspect we may need to pare back the scope of any such pilot project as this. Devices and ambulances, just to name two, seem far out of bounds.
- Second, we must avoid duplicating other USF spending, such as funding connectivity in a community that may already be subsidized or targeted through the high-cost program.
- Third, any new program should complement – not replicate – the multitude of other, existing federal telehealth initiatives. The item is short on outlining and explaining what programs already exist. But, if healthcare agencies have expertise in patient monitoring and fund equipment or apps, we shouldn't do the same. Instead, we must consider ways to sufficiently target our dollars to specific needs, like connectivity, and leverage our respective authority, capability, and funding.
- Fourth, our telemedicine programs can significantly reduce expenses for other healthcare programs and entities, but the Commission is not able to recognize any of these savings. For example, it is well known that patient monitoring can help avoid emergency room visits and hospital re-admissions. We need to take a deep dive to understand the size of these savings and must conduct extensive coordination with other programs so those savings can be reinvested in our programs to minimize the impact on telephone ratepayers. USF must not be used as the tax collector for telemedicine. This is of particular interest to me and I intend to engage personally on this aspect.
- Fifth, and relatedly, having just substantially increased the Rural Health Care program cap, we must carefully consider the impact of additional spending on the consumers and businesses who would pay extra on their phone bills to support it. I have called for an overall

cap on USF to ensure we discuss the benefits and tradeoffs whenever spending changes are contemplated. This must be part of our future actions.

- Finally, as with any USF program, I want to ensure that it is targeted to unserved – not underserved – areas; that the selection mechanism is efficient and technology neutral, like via reverse auctions rather than beauty contests; and that appropriate safeguards are put in place to deter waste, fraud, and abuse.

For our purposes today, the NOI is a very wide-ranging presentation of many issues that need to be considered and is sufficiently broad to be worth my support. I thank Commissioner Carr for getting us to this point, but we both recognize much work lies ahead. I commit to rolling up my sleeves to address these matters and others, consistent with my principles, before any Notice of Proposed Rulemaking is considered.