NET NEUTRALITY – POTENTIAL IMPACT ON HEALTH CARE

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- What is Net Neutrality?
- What Changed?
- Why the Controversy?
- What are the Potential Impacts?
- Newest Updates?
- Next Steps?

OBJECTIVES

- Originally instituted in 2015
- "**Internet providers should be neutral gateways that provide equal access to all legal web content**"[1]
- Prohibits internet providers from **blocking** or **slowing** web content
- Exemption for healthcare as a "specialized service" from conduct-based rules[1]
- Internet Service Providers (ISP's) are required to treat all users equally
  - No steering to "Fast lanes" or "Slow lanes"
  - No blocking of any content

WHAT IS NET NEUTRALITY?

- Federal Communications Commission (FCC) passed Chairman Ajit Pai's proposal, 3-2 vote along party lines, to **scrap net neutrality rules**.

- Focus of change is to, *"restore the light-touch regulatory scheme that fostered the internet's growth, openness, and freedom"*[2]

- **New Rule**: ISP's must notify customers about any changes regarding speed or blocked access

- Additionally, it is being replaced with a *"robust transparency requirement and FTC-led consumer protection"*[5]

WHAT CHANGED?

- Pros
  - Increase innovation and investment in networks
  - Reducing overall costs for consumers
  - Provide better connectivity for Rural and underserved hospitals[5]
  - Revitalized universal service program to increase network deployment to unserved areas[5]

- Cons
  - No timing for notification of changes
  - Opens doors for "special" deals to websites or apps[6]
  - Potential repeal of Healthcare exemption noted on 2015 Bill
    - Repeal of "fast-lanes" for telemedicine
  - Potentially increase the Digital Divide
    - Internet is a "key social determinant of health"[3]

WHY THE CONTROVERSY?

- **Electronic Health Records (EHR's)**
  - Increased movement toward Cloud-based storage - speed of connection may negatively impacted in emergent/acute need situations[3]

- **Remote Monitoring Functionality**
  - Increased number of monitoring devices, healthcare apps, and personal fitness trackers are connected to internet
  - Voluntary participation in net neutrality increases risk of health disparity due to low income or rural residency designations, i.e. financial impacts

- **Telehealth**
  - Services are data-heavy, need large bandwidth for high-quality, accurate and in-the-moment care[4]
  - Potential for slowing down may impact critical care of patient's, i.e. Telestroke

POTENTIAL IMPACTS TO HEALTHCARE

- ▸ 1. **ISPs May use their dominance in a region to pick winners or losers to determine who pays more for reliable connectivity**
  - ▸ Includes telemedicine, data centers, and cloud computing services
  - ▸ Several ISPs either operate or have existing financial relationships with vendors = potential conflict of interest

- ▸ 2. **Increased costs for providers, either directly or indirectly**
  - ▸ ISPs could charge hospitals or cloud based vendors increased fees to deliver "reliable" service for critical applications

- ▸ 3. **Impact of 1. & 2. = Negative impact on Rural/underserved areas**
  - ▸ Combined effects weakens the infrastructure connecting patients, providers and technology[3]

POTENTIAL IMPACTS TO HEALTHCARE

- January 16, 2018- 21 States Sue FCC to Restore Net Neutrality Rules
  - New York, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and the District of Columbia

- March 5, 2018 – Washington Governor Inslee Signs First State Net Neutrality Bill
  - Goes into effect June 6th
  - Bars internet providers from blocking websites or charging more for faster delivery of certain sites in a way that benefits broadband companies and partner websites
  - FCC states it has the only authority to oversee broadband internet services because it crosses state lines
    - The law passed in 12/2017 states explicitly that states could not create their own rules

UPDATES

- Contact your state and federal representatives
- Contact the American Telemedicine Association (ATA) info@americantelemed.org
- Provide comments to the FCC:
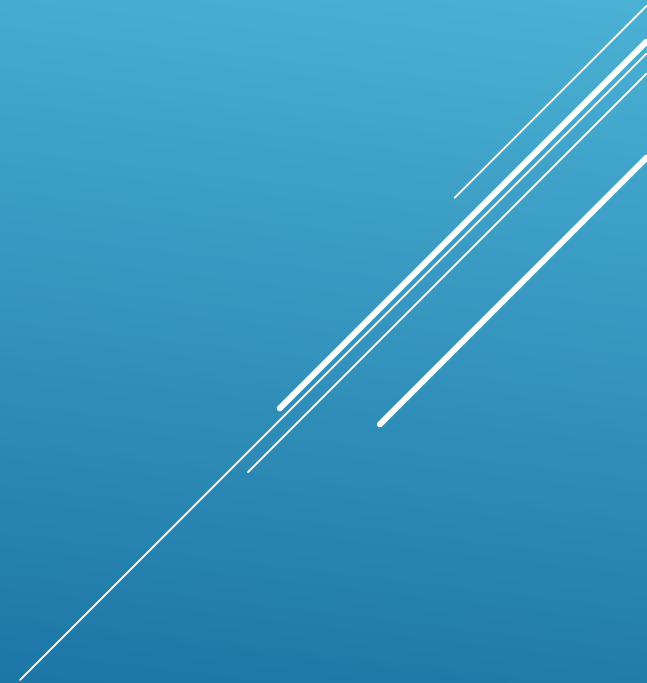 - http://apps.fcc.gov/ecfs/ , refer to WC Docket No. 17-108

OR

  - https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=123006

NEXT STEPS

QUESTIONS OR COMMENTS?

- 1. Federal Communications Committee, *Protecting and Promoting the Open Internet,* March 12, 2015; retrieved from*: https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf;* Accessed 3/20/2018

- *2.* Federal Register, Vol. 83, No. 36, *Restoring Internet Freedom*; retrieved from: https://www.federalregister.gov/documents/2018/02/22/2018-03464/restoring-internet-freedom; Accessed 3/20/2018

- *3.* Adams J, Kuhnen G, *Why ending net neutrality will likely be bad news for health care.* Website: www.advisory.com. Accessed 3/19/2018

- 4. Spitzer J, *3 ways the net neutrality repeal could affect healthcare.* Website: www.beckershospitalreview.com. Accessed 3/19/2018

- 5. Pai, Ajit, 11/30/2017, Project GOAL Conference Talk, retrieved from: http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db1130/DOC-348017A1.pdf, Accessed 3/20/2018

- 6. Selyukh, A, *FCC Takes Another Step Toward Repeal of Net Neutrality.* Retrieved from: www.npr.org, Accesses 3/22/2018

- 7. Kang, C., 3/5/2018, *Washington Governor Signs First State Net Neutrality Bill, retrieved from: https://www.nytimes.com/2018/03/05/business/net-neutrality-washington-state.html, Accessed 3/22/2018*

REFERENCES