March 18, 2020

COVID-19 AND TELEHEALTH SERVICES

The Office of Telehealth Services and the Office of Compliance and Ethics have partnered to provide updated billing and reimbursement guidelines for certain telehealth services during the COVID-19 public health emergency. As additional guidance or changes are issued from CMS and private payers, this memorandum will be updated.

Patient care should be our first priority and we will provide timely, compassionate care to our patients during this public health emergency. This guidance is intended to be a resource to assist departments in evaluating expansion of telehealth services during this public health emergency. Departments considering the use of telehealth services to reduce exposure for patients or to accommodate quarantined patients or providers should coordinate with the Office of Telehealth Services.

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In response to the COVID-19 declared emergency, Congress passed The Coronavirus Preparedness and Response Supplemental Appropriations Act which became law on March 6, 2020. The legislation included exceptions related to the provision of telehealth services during the COVID-19 public health emergency.

Specifically, the existing Medicare telehealth originating site restrictions have been waived during the emergency period. Generally, telehealth services can only be provided and reimbursed if the originating site meets certain requirements. During the declared emergency related to COVID-19, telehealth services can be provided and reimbursed by Medicare when provided in an emergency area. Due to the emergency declaration made by the President of the United States and the public health emergency declared by the Secretary of the US Department of Health and Human Services, telehealth services can be provided during the declared emergency without the originating site needing to meet the existing requirements in the telehealth regulations. This allows patients to be seen from their homes or other sites that would not otherwise meet the originating site requirements.

In order to provide telehealth services to originating sites that would not otherwise meet the requirements for telehealth services, Congress imposed eligibility restrictions including the requirement that the provider must have seen the patient in the last three
years. However, CMS has indicated that this requirement will not be enforced during the emergency period. Therefore, a provider can see a new patient via telehealth during this emergency period without the originating site meeting the ordinary requirements.

Illinois Medicaid has indicated they will be expanding their telehealth rules to provide greater telehealth access to Medicaid patients during the public health emergency. We are expecting specific rules to be issued soon and will update this information once they are released.

Telehealth regulations ordinarily exclude telephones from the definition of “interactive telecommunication systems” which are required for telehealth visits. However, under The Coronavirus Preparedness and Response Supplemental Appropriations Act during any portion of the emergency period, a telephone can be used for telehealth visits but only if the telephone has audio AND video capabilities that are used for two-way, real-time interactive communication.

Therefore, the compliance department’s recommendation is that telehealth visits conducted by telephone must also include a video component in order to be billable (i.e., Skype, Facetime, Facebook Messenger).

While the Office of Civil Rights has indicated they will not engage in enforcement action for HIPAA violations related to the provision of telehealth services during the declared emergency period, these visits should still comply with HIPAA as much as possible, even if the platform used for telehealth (such as Facetime) is not secure.

Resource: ata-COVID-19 KEY POLICY UPDATES
The Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020

Remember:

There are existing ways to manage your patients remotely that are billable. For example, you can be reimbursed for telephone evaluation and management services and online digital evaluation and management services.

For guidance on remote evaluation and management services, see the Office of Compliance and Ethics guidance at http://www.siumed.edu/compliance/education-and-training.html.