

ARIZONA  
TELEMEDICINE  
PROGRAM



# Arizona Telemedicine Program Updates

Michael Holcomb – *Interim Director &  
Associate Director, Information Technology*

Carrie Foote – *Associate Director, Administration*

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**NATIONAL TELEHEALTH  
UPDATES & RESOURCES**

# DEA Extends Telemedicine Flexibilities for Prescribing of Controlled Medications: Second Time is the Charm

09 October 2023 | Health Care Law Today | Blog

Author(s): Nathan A. Beaver, Thomas B. Ferrante

- Oct 6th, 2023: Second Temporary Rule extends the COVID-19 PHE DEA telemedicine flexibilities through December 31, 2024
  - “Practitioners, in other words, must be registered with DEA in at least one state and have permission under state law to practice using controlled substances in the state where the dispensing occurs.”
  - “DEA notes that practitioners have further flexibility during the nationwide public health emergency to prescribe buprenorphine to new and existing patients with opioid use disorder (OUD) via telephone by otherwise authorized practitioners without requiring such practitioners to first conduct an examination of the patient in person or via telemedicine.”
  - “Continues the extension of the current flexibilities for all practitioner-patient relationships – not just those established on or before November 11, 2023 – until the end of 2024.”



# Center for Connected Health Policy

THE NATIONAL  
TELEHEALTH POLICY  
RESOURCE CENTER

OCTOBER 10, 2023

CCHP's October Newsletter



## DEA Issues Extension of Telemedicine Controlled Substance Flexibilities to Dec. 31, 2024

The rule itself lists additional reasons the extension is being issued:



<https://mailchi.mp/cchpca/you-spoke-they-listened-dea-extends-telemedicine-rules-through-2024>

- *“Prevent a reduction in access to care for patients who do not yet have an existing telemedicine relationship;*
- *For relationships established both during the COVID-19 PHE and those established shortly after, prevent backlogs with respect to in-person medical evaluations in the months shortly before and after the expiration of the telemedicine flexibilities;*
- *Address the urgent public health need for continued access to the initiation of buprenorphine as medication for opioid use disorder in the context of the continuing opioid public health crisis;*
- *Allow patients, practitioners, pharmacists, service providers, and other stakeholders sufficient time to prepare for the implementation of any future regulations that apply to prescribing of controlled medications via telemedicine;*
- *Enable DEA and potentially HHS to thoroughly consider the presentations made at the Telemedicine Listening Sessions;*
- *Enable DEA, jointly with HHS, to conduct a thorough evaluation of regulatory alternatives in order to promulgate regulations that most effectively expand access to telemedicine encounters in a manner that is consistent with public health and safety, while also effectively mitigating against the risk of possible diversion; and*
- *Avoid incentivizing the investment necessary to develop new telemedicine companies that might encourage or enable problematic prescribing practices by limiting the second extension of flexibilities to a short, time-limited period.”*

# PRIVACY & SECURITY



FEDERAL TRADE COMMISSION  
PROTECTING AMERICA'S CONSUMERS

**August 9, 2023:** Expiration of COVID-19 Public Health Emergency HIPAA Notifications of Enforcement Discretion

<https://www.hhs.gov/hipaa/for-professionals/special-topics/telehealth/index.html>

**July 20, 2023:** HHS Office for Civil Rights and the Federal Trade Commission Warn Hospital Systems and Telehealth Providers about Privacy and Security Risks from Online Tracking Technologies

<https://www.hhs.gov/about/news/2023/07/20/hhs-office-civil-rights-federal-trade-commission-warn-hospital-systems-telehealth-providers-privacy-security-risks-online-tracking-technologies.html>

**URL for joint letter:** <https://www.hhs.gov/sites/default/files/use-online-tracking-technologies.pdf>

# VOIP & HIPAA BLOG

by SWTRC's Carrie Foote, July 21, 2023

## Key steps to consider when selecting and implementing a VoIP System

- Assure VoIP has full capabilities to enable HIPAA compliance
- Execute a Business Associate Agreement with any 3<sup>rd</sup> party VoIP providers
- Conduct an information security risk assessment per HIPAA requirements
- Implement, validate and maintain VoIP system security configurations
- Train staff in the secure use of the VoIP system
- Document! Policies, Procedures, Security Logs





**UPDATED AT-A-GLANCE:**

**MEDICARE TELEHEALTH/CONNECTED HEALTH WAIVERS POST-PHE**

In February, the Center for Medicare and Medicaid Services (CMS) released several fact sheets regarding what would happen to temporary telehealth COVID-19 policies after the public health emergency (PHE) ended on May 11, 2023. Since the release of those original fact sheets, CMS has been updating the information. The chart below shows the status of this information as of July 25, 2023. This is only a brief summary and CCHP suggests you look for more detailed information on the [CMS fact sheets](#) page, particularly for each individual provider type. Please note that this at-a-glance chart is divided by provider type, and the page number for each entry refers to that specific CMS fact sheet, which has been hyperlinked in the heading for each section where you can read the full information. The same policy may appear in multiple fact sheets, but the At-A-Glance may only reference it in one fact sheet as the status of that policy post-PHE does not change from fact sheet to fact sheet. Additionally, we have added a new column to note if the particular issued is addressed in the recently released proposed Physician Fee Schedule (PFS) for 2024.

COVID POLICY	PERMANENT <sup>1</sup>	ENDS WITH PHE	ACTIVE THROUGH 2023 <sup>2</sup>	EXPIRES 12/31/24 <sup>3</sup>	ADDRESSED IN PROPOSED PFS	FACT SHEET PAGE
<b>FACT SHEET: <a href="#">PHYSICIAN &amp; OTHER CLINICIANS (updated July 20, 2023)</a></b>						
Allowing all eligible Medicare providers to provide services via telehealth.				X	Made necessary regulatory changes to allow extension through 12/24. Added Marriage and Family Therapists and Mental Health Counselors to permanent telehealth list per 2023 CAA.	5

<sup>1</sup> Source of change: Physician Fee Schedule

<sup>2</sup> Source of change: Physician Fee Schedule

<sup>3</sup> Source of Change: Consolidated Appropriations Act of 2023.

<https://www.cchpca.org/2023/07/UPDATED-JULY-2023-MEDICARE-TELEHEALTH-POLICIES-POST-PHE-AT-A-GLANCE-FINAL.pdf>

# PHYSICIAN FEE SCHEDULE 2024



Center for Connected  
Health Policy

THE NATIONAL  
TELEHEALTH POLICY  
RESOURCE CENTER

FACT SHEET | July 2023



## Proposed CY 2024 PHYSICIAN FEE SCHEDULE

FACT SHEET | July 2023

The proposed [CY 2024 Physician Fee Schedule \(PFS\)](#) was released on July 13, 2023. The PFS contains policy changes proposed by the Center for Medicare and Medicaid Services (CMS) for the Medicare program to take place the following year (unless otherwise stated). Many have been anticipating these proposed rules due to certain temporary telehealth policies currently slated to end this year. The proposed 2024 PFS does provide some clarity in how CMS will address several telehealth policy issues in Medicare for next year, but not all. At this time, these are only proposals. The public has until 5 pm September 11, 2023 to provide comments to CMS regarding these proposed policies.



# Remote Patient Monitoring (RPM) and Remote Therapeutic Monitoring (RTM): A Deep Dive into Proposed Medicare Changes

24 August 2023 | Health Care Law Today | Blog

Author(s): Thomas B. Ferrante, Rachel B. Goodman

- RPM Can Only be Furnished to an “Established Patient”
- Requirement to Collect 16 Days of Data Remains
- Only One Practitioner Can Bill RPM/RTM
- Use of RPM / RTM with Other Services
- Separate Payment of RPM or RTM During Global Surgery Periods
- Allowing Separate Reimbursement for RHCs and FQHCs
- PTs and OTs Can bill RTM for PTAs and OTAs under General Supervision
- RPM Included in Definition of Primary Care Services for MSSP

# CMS: Online request form to add or delete telehealth services

- Requests to add or delete services from the Medicare telehealth services list may be submitted on an ongoing basis.
- Submit request by February 10th of each calendar year to be considered for the following year's proposed rule

## **Electronic requests to add or delete services**

- File attachments must be smaller than 5 MB.
- We recommend using portable document format .

Requests to add or delete services can be e-mailed to:

[CMS\\_Telehealth\\_Review\\_Process@cms.hhs.gov](mailto:CMS_Telehealth_Review_Process@cms.hhs.gov)

## **Requests to add or delete services should be mailed to:**

Division of Practitioner Services

Mail Stop: C4-03-06

Centers for Medicare and Medicaid Services

7500 Security Boulevard

Baltimore, Maryland 21244-1850

Attention: Telehealth Review Process

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-26-12  
Baltimore, Maryland 21244-1850



***CMCS Informational Bulletin***

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**DATE:** September 8, 2023

**FROM:** Daniel Tsai, Deputy Administrator and Director,  
Center for Medicaid and CHIP Services

**SUBJECT:** Further Extension of Grace Period Related to the “Four Walls”  
Requirement under 42 C.F.R. § 440.90 for Indian Health Service and  
Tribal Facilities to February 11, 2025

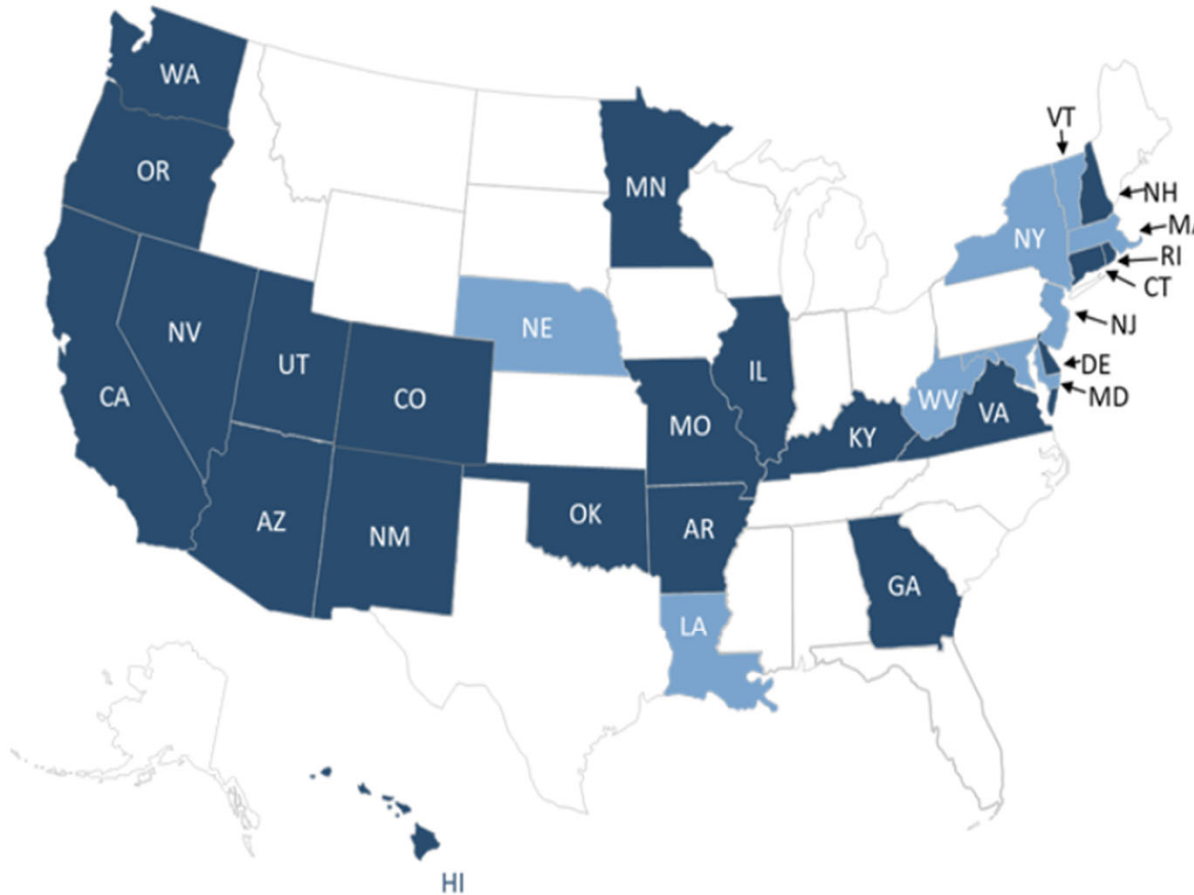
# HHS OCR: Discrimination on the Basis of Disability in Health and Human Service Programs or Activities

## Proposed Rule, September 14, 2023

- New provisions that clarify existing requirements under section 504 prohibiting recipients of financial assistance from the Department (recipients) from discriminating on the basis of disability in their programs and activities, including in health care, child welfare, and other human services.
- The proposed rule includes new requirements prohibiting discrimination in the areas of medical treatment; the use of value assessments; web, mobile, and kiosk accessibility; and requirements for accessible medical equipment, so that persons with disabilities have an opportunity to participate in or benefit from health care programs and activities that is equal to the opportunity afforded others.

Figure 1. Map of States With Laws Requiring Insurers to Implement Payment Parity (as of September 2023)

# PAYMENT PARITY



**Key**

- Implemented Payment Parity**
- Payment Parity in Place, with caveats:**
  - Nebraska:* Payment parity for certain mental health and substance use disorder services, or if the provider holds medical privileges at a facility in Nebraska or provides in-person health care services in Nebraska
  - Louisiana:* Payment parity established for occupational and physical therapy, unless the provider and insurance plan agree to an alternative payment rate
  - Massachusetts:* Payment parity for mental health services, only
  - Maryland:* Through June 30, 2025
  - New Jersey:* Through December 31, 2023
  - New York:* Through April 1, 2024
  - Vermont:* Through January 1, 2026
  - West Virginia:* Payment parity for established patients and patients in acute care facilities, only

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# ARIZONA TELEMEDICINE PROGRAM



Prepared for:  
Southwest Telehealth Resource Center

Original: 03/01/2022  
Updated: 06/30/2022, 9/30/2022,  
12/30/2022, 3/31/2023, 6/30/2023

## Virtual Visit & Reimbursement Guide Arizona

Brought to you by:



Partnered with:



### PAYOR MATRIX

PAYOR	E-VISIT	TELEHEALTH	VIRTUAL CHECK-IN	TELEPHONE
AETNA	ALLOWABLE 99421-99423 98970 -98972 G2061-G2063	ALLOWABLE <b>Allowable Codes:</b> Telehealth Eligible Code <b>Professional:</b> Modifier GT, 95, FR, 93 or FQ w/ POS 02. <b>Facility:</b> Modifier GT, 95, FR, 93 or FQ	ALLOWABLE G2010 G2012 G2250-G2252	ALLOWABLE 99441-99443 98966-98968
BCBS of AZ	CONDITIONAL CHECK PROVIDER FEE SCHEDULE	ALLOWABLE <b>Allowable Codes:</b> Telehealth Eligible Code <b>Professional:</b> POS 02 or 10 & Modifier 95, GT, 93, FQ <b>Facility:</b> Modifier GT, 95, 93 or FQ	CONDITIONAL CHECK PROVIDER FEE SCHEDULE	ALLOWABLE 99441-99443 98966-98968
CIGNA	NOT ALLOWABLE	ALLOWABLE <b>Allowable Codes:</b> Telehealth Eligible Code <b>Professional:</b> Modifier 95, GT, 93 or FQ & POS 02 <b>Facility:</b> Modifier 95, GT, 93 or FQ	ALLOWABLE G2012	ALLOWABLE 99441-99443
MEDICA* *Excludes MHCP Members	ALLOWABLE 99421-99423 98970 -98972 G2061-G2063	ALLOWABLE <b>Allowable Codes:</b> Telehealth Eligible Code <b>Professional:</b> POS 02 or 10 w/ modifier 95, GT, FQ or 93 <b>Facility:</b> Modifier GT, 95, 93, or FQ	ALLOWABLE G2010 G2012	ALLOWABLE 99441-99443 98966-98968
MEDICARE	ALLOWABLE 99421-99423 G2061-G2063 RHC: G0071	ALLOWABLE <b>Allowable Codes:</b> Telehealth Eligible Code <b>Professional:</b> Modifier 95 w/ POS used for in-person visit. <b>Facility:</b> PN or PO modifier w/ DR condition code. <b>Method II:</b> Modifier GT. <b>RHC:</b> G2025. <b>Facility PT/OT/ST:</b> Modifier 95	ALLOWABLE G2010 G2012 G2250-G2252 RHC: G0071	ALLOWABLE 99441-99443 98966-98968 Modifier 95 RHC: G2025
MEDICAID	ALLOWABLE 99421-99423 98970 -98972 Modifier: GT	ALLOWABLE <b>Allowable Codes:</b> Telehealth Eligible Code <b>Professional:</b> POS of originating site and modifier GT or GQ <b>Facility:</b> Modifier GT or GQ <b>Audio Only:</b> FQ Modifier	NOT ALLOWABLE	ALLOWABLE 99441-99443 98966-98968 Modifier: FQ
UHC COMMERCIAL	ALLOWABLE 99421-99423 98970 -98972	ALLOWABLE <b>Allowable Codes:</b> Telehealth Eligible Code <b>Professional:</b> 02 or 10	ALLOWABLE G2010 G2012 G2250-G2252	ALLOWABLE 99441-99443

<https://southwesttrc.org/sites/default/files/documents/Arizona%20Virtual%20Visit%20%20Reimbursement%20Guide%206.30.23.pdf>

# ARIZONA TELEHEALTH POLICIES IN DETAIL AT CCHP



## PRIVATE PAYER LAW

- ✓ Law Exists: Yes
- ✓ Payment Parity: Yes

## MEDICAID REIMBURSEMENT

- ✓ Live Video: Yes
- ✓ Store-and-Forward: Yes
- ✓ Remote Patient Monitoring: Yes
- ✓ Audio Only: Yes

## PROFESSIONAL REQUIREMENTS

- Licensure Compacts: IMLC, NLC, OT, PSY, PTC
- ✓ Consent Requirements: Yes

## STATE RESOURCES

1. Medicaid Program: Arizona Health Care Cost Containment System (AHCCCS)
2. Administrator: Arizona Health Care Cost Containment System Administration
3. Regional Telehealth Resource Center: [Southwest Telehealth Resource Center](#)

## FQHCs

- ✗ Originating sites explicitly allowed for Live Video: No
- ✓ Distant sites explicitly allowed for Live Video: Yes
- ✗ Store and forward explicitly reimbursed: No
- ✗ Audio-only explicitly reimbursed: No
- ✗ Allowed to collect PPS rate for telehealth: No



# Broadband, Equity, Access, and Deployment Program (BEAD) Five-Year Action Plan

Arizona Commerce Authority  
August 2023

Approximately  
**177,325**  
UNSERVED ARIZONANS

UNSERVED  
Available speed less than 25 Mbps  
download/ 3 Mbps upload

Approximately  
**141,417**  
UNDERSERVED ARIZONANS

UNDERSERVED  
Available speed less than 100  
Mbps download/ 20 Mbps upload

**BROADBAND Equity, Access, and Deployment (BEAD) Program**  
Ensure that all Americans have access to affordable, reliable high-speed internet

\*\* Unserved / underserved figures are generated from FCC Broadband Availability Map subject to change

## Infrastructure Deployment Barriers



Legislative or Regulatory Barriers



Weather and Climate



Local Capacity



Workforce Shortages



Cost of Deployment



Procurement, Contracting, and Industry Participation



Permitting



Supply Chain and Material Availability



Topography/ Geography



Knowledge and Communication

## Digital Equity Barriers



Device Access and Cost



Inclusivity



Digital Literacy and Skills



Relevance/ Awareness



Affordability

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# UPCOMING EVENTS



JAMES E. ROGERS COLLEGE OF LAW  
Health Law

## 2023 Arizona Telehealth Policy Summit

October 24, 2023

9:00 AM—2:00 PM

Virginia G. Piper Auditorium at the Phoenix Bioscience Core  
600 E Van Buren Street, Building 2  
Phoenix, AZ 85004

Registration for in-person and virtual attendance  
available via <https://telemedicine.arizona.edu>

October 24, 2023

9:00 a.m.—2:00 p.m. MST

8:45 am	Registration and Check-In
9:10 am	<p><b>Welcome and Opening Remarks</b></p> <p><i>Summit Welcome</i> Tara Sklar, JD, MPH, Associate Director of Telehealth Law &amp; Policy, Arizona Telemedicine Program, University of Arizona</p> <p><i>Blessing and Land Acknowledgement</i> Carlos Gonzales, MD, FAAFP – Assistant Vice President Indigenous Affairs, University of Arizona Health Sciences Global MD</p> <p><i>Opening Remarks</i> Daniel Derksen, MD – Associate Vice President for Health Equity, Outreach &amp; Interprofessional Activities, Office of the Senior Vice President for Health Sciences</p>
9:30 am	<p><b>State of Telehealth in Arizona</b></p> <p>Moderator: Dean Marc Miller, JD, University of Arizona College of Law</p> <ul style="list-style-type: none"> <li>◆ State Representative Patty Contreras, MAdm</li> <li>◆ State Senator T.J. Shope</li> <li>◆ State Representative Alma Hernandez, MLS, MPH</li> </ul>
10:30 AM	<b>Networking Break</b>
10:50 am	<p><b>National Trends in Telehealth</b></p> <p>Moderator: Tara Sklar, JD, MPH</p> <ul style="list-style-type: none"> <li>◆ <i>Telehealth and Palliative Care</i> Jennifer Huer, MA, JD, LLM – Interim Executive Director at Soloman Center, Yale Law School</li> <li>◆ <i>Telehealth in Nevada and the Uniform Telehealth Act</i> David Orentlicher, MD, JD – Nevada Assemblyman, Law Professor, University of Nevada – Las Vegas</li> <li>◆ <i>The Patient’s Voice: Patient-Reported Outcome Measures and Telehealth</i> Sharon Hoffman, JD, LLM, SJD – Law Professor at Case Western Reserve University</li> </ul>
Noon	<b>Networking Lunch</b>
1:00 pm	<p><b>Telehealth at the local level</b></p> <p>Moderator: Janet Major, BS, Assoc. Dir. for Innovation and Digital Health, Arizona Telemedicine Program</p> <ul style="list-style-type: none"> <li>◆ Sandip Bhowmick – Arizona State Broadband Director</li> <li>◆ Kyle Sawyer – Assistant Director of Public Policy and Strategic Planning, AHCCCS</li> <li>◆ Amanda Aguirre – President and CEO Regional Center for Border Health</li> </ul>
1:55 pm	<b>Concluding remarks</b>











<https://telemedicine.arizona.edu/blog/arizona-telemedicine-program-brings-state-wide-and-national-leaders-together-2023-arizona>

# ARIZONA TELEMEDICINE PROGRAM



## UPCOMING EVENTS

<https://telemedicine.arizona.edu/upcoming-events>

	A Pathway to Good Oral Health for All Arizonans (Webinar)	Oct 19, 2023 12:00pm to 1:00pm MST
	2023 Arizona Telehealth Policy Summit (Conference) ~ Phoenix, ~ Virtual	Oct 24, 2023 9:00am to 2:00pm MST
	Two case studies: the Role of Generative Artificial Intelligence in Rural Arizonan Health (Webinar)	Nov 1, 2023 12:00pm to 1:00pm MST
	Telemedicine Applications (Training) ~ Webinar	Nov 6, 2023 9:00am to 2:00pm MST
	Let's Figure SAMD Out Together! (Webinar)	Nov 7, 2023 12:00pm to 1:00pm MST
	Envenomations, Intoxications And Bites In The Southwest. More Common Than You Think! What To Do (Webinar)	Nov 15, 2023 12:00pm to 1:00pm MST
	Telehealth in Libraries (Webinar)	Nov 16, 2023 12:00pm to 1:00pm MST
	Impact of State Medical Licensing On College Student Mental Health (Webinar)	Dec 5, 2023 12:00pm to 1:00pm MST

# UPCOMING NATIONAL TELEHEALTH MEETINGS

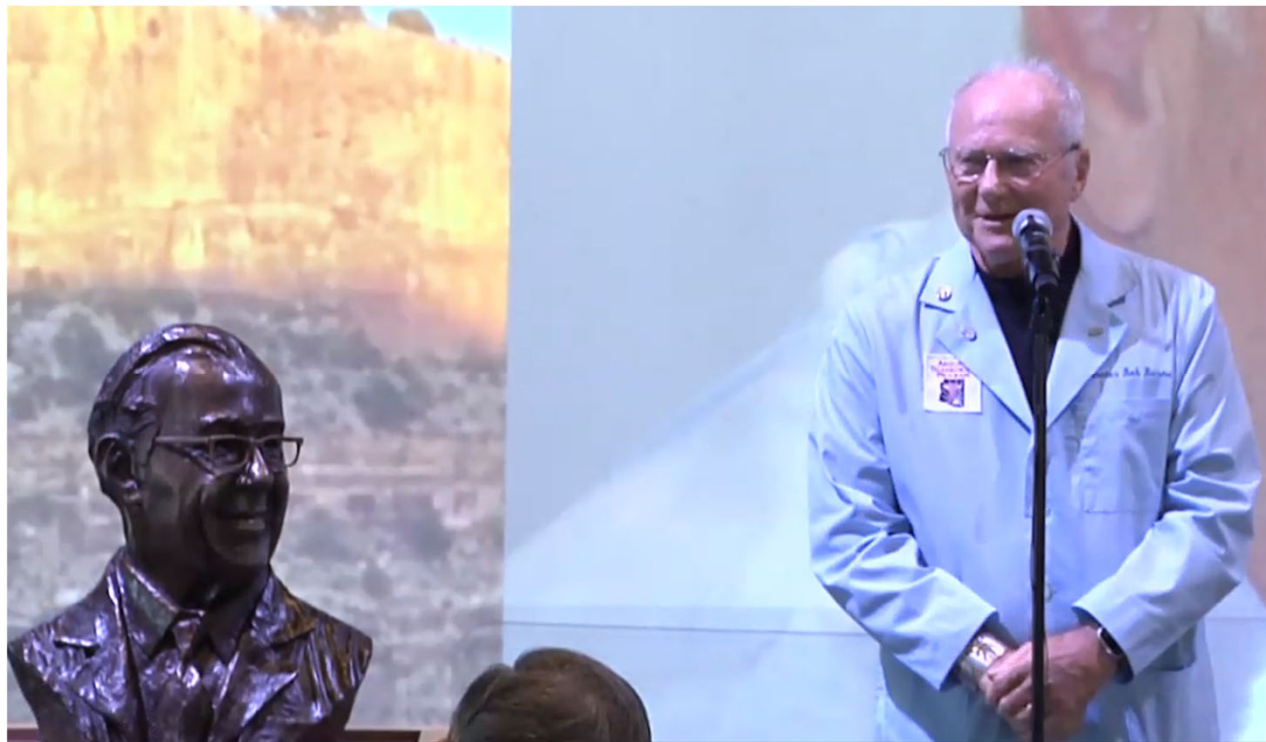
- **SEARCH 2023 Annual Symposium**
  - Society for Education and the Advancement of Research in Connected Health
    - In partnership with the American Heart Association Center for Telehealth and the American Heart Association Scientific Sessions Meeting
  - Philadelphia, PA, Nov. 7-9
    - <https://southwesttrc.org/blog/2023/search-symposium-returns-american-heart-association-partnership>
- **American Telemedicine Association EDGE 2023 Policy Conference**
  - Washington, DC, Dec. 12-15
    - <https://ataedge.org/edge-2023>
- **American Telemedicine Association Nexus 2024**
  - Phoenix, AZ, May 5-7, 2024
    - <https://www.americantelemed.org/events/ata2024-annual-conference-expo/>

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# RECOGNITIONS

# Oct 13<sup>th</sup> Ceremony Unveiling Bust of Arizona Telemedicine Program Co-Founder & Founding Director, Ronald S Weinstein, MD



<https://healthsciences.arizona.edu/connect/honors/1023/arizona-telemedicine-and-telehealth-earn-usdla-gold-award>

# Arizona Telemedicine and Telehealth earn USDLA Gold Award

October 2, 2023

The **Arizona Telemedicine Program** and its **Southwest Telehealth Resource Center** were recognized by the **United States Distance Learning Association** as a “Trendsetter in Distance Learning” at its 2023 National Conference in Orlando, Florida, in July.

**Janet Major**, associate director for innovation and digital health at the Arizona Telemedicine Program and Southwest Telehealth Resource Center, accepted the award on behalf of the ATP and SWTRC, which are housed in the **UArizona College of Medicine – Tucson** at **UArizona Health Sciences**.

“We are committed to excellence in distance communications for health care and education and are honored to be recognized by the USDLA as a trendsetter for our work to improve access to health care and health care education through telehealth capabilities,” said **Michael Holcomb**, interim director of the Arizona Telemedicine Program.

The USDLA International Distance Learning Awards recognize instructors, programs and professionals from across the globe who have demonstrated achievement in areas such as innovation or excellence in their uses of distance learning techniques and delivery technologies, extraordinary impact to student growth and engagement, exceptional promise or leadership in the field, pioneering initiatives, or high-quality research that advances the field.



Janet Major holds the award that the Arizona Telemedicine Program and its Southwest Telehealth Resource Center received.



# ARIZONA TELEMEDICINE PROGRAM



# Thank you! Questions?

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[carriefoote@telemedicine.arizona.edu](mailto:carriefoote@telemedicine.arizona.edu)



<https://telemedicine.arizona.edu/contact>

<https://southwesttrc.org/contact>