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Telehealth Policy Updates: Fall 2020

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Southwest Telehealth Resource Center***





2nd Annual Arizona Telemedicine Policy Symposium

October 1, 2020



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AHCCCS and Telehealth for the Public Health Emergency and Beyond



Sara Salek, MD
Chief Medical Officer
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Vikeen Patel, MD, MBA
Clinical Informatics Fellow
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James Wang, MD
Clinical Informatics Fellow
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Telehealth Policy: The Current Landscape and Future Opportunities in Arizona



Heather Carter, EdD
Senator
Arizona State Senate, Legislative
District 15



Pele Fischer, Esq.
Attorney
Peacock Legal, PLC

2nd Annual Arizona Telemedicine Policy Symposium



Reminder: SB 1089 Takes Effect Jan. 1!

- Huge breakthrough
- Mandates private payer coverage parity for TM
- Expands definition of telemedicine (adds S&F, RPM)
- (Still work to do: providers, definitions, regulatory board requirements, modalities, pt. locations, payment parity)



Federal COVID-19 Telehealth Changes: Recap

- **Congress** – CARES Act
- **HHS** – Multiple waivers, including 1135 waivers
- **CMS** – Medicare flex, Stark FMV enforcement discretion
- **OCR** – HIPAA enforcement discretion
- **DEA** – Telemedicine Rx, phone-only Buprenorphine
- **OIG** – AKS & CMP flexibilities
- **FDA** – relaxed certain device enforcement
- **DOD** – TRICARE: audio-only, no cost-sharing, internat'l

CMS TH Codes Update: 1 Week Ago (Oct. 14)

- Announced 11 new codes added to TH list for PHE
- Effective immediately
- Very specialized:
 - Cardiac rehab
 - Ventricular assist device analysis/programming
 - Neurostimulator analysis
 - Pulmonary rehab





Tweet



Secretary Alex Azar  @SecAzar · Oct 2



I just renewed the COVID-19 national public health emergency declaration, effective October 23, 2020.

We will continue our whole-of-America response to the virus and continue our work to ensure Americans have access to the care they need.

 161

 227

 373



Late Summer Congressional Action (Sample)

The COVID-19 Telehealth Expansion Bills Are Starting to Pile Up

Congress is very interested in expanding Medicare's telehealth coverage beyond the COVID-19 emergency, as the growing number of bills would attest.



Source: ThinkStock

By Eric Wicklund

July 31, 2020 - Senator Lamar Alexander has added another telehealth bill to the rapidly growing list of efforts to expand connected health coverage in the wake of the coronavirus pandemic.

The Tennessee Republican and chair of the Senate Committee on Health, Education, Labor and Pensions this week introduced the [Telehealth Modernization Act \(S. 4375\)](#), which aims to

Congresswoman's Telehealth Bill Combines 9 Other Pieces of Legislation

US Rep. Ann Wagner's Telehealth Act pulls together nine telehealth bills introduced over the past year - all by Republicans - in a bid to give lawmakers one overarching piece of connected health legislation



Source: ThinkStock

By Eric Wicklund

August 18, 2020 - A Missouri Congresswoman has introduced a telehealth bill that combines nine other connected health bills into one piece of legislation.

[The Telehealth Act \(HR 7992\)](#), sponsored by US Rep. Ann Wagner (R-MO), aims to give

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Senate bill would nix geographic, site restrictions on telehealth

SEP 18, 2020

Andis Robeznieks
Senior News Writer

TWITTER

What's the news: The AMA is supporting S. 4375, the "Telehealth Modernization Act of 2020," which would permanently remove many of the regulatory restrictions on telehealth that were temporarily lifted at the start of the COVID-19 pandemic and have enabled patients to receive care without leaving their homes.

Fall Congressional Action (Sample)

Consortium Pushes Telehealth Freedoms for Substance Abuse Treatment

A new Health Affairs blog urges the federal government to continue telehealth waivers for substance abuse treatment during the COVID-19 emergency and asks for permanent changes to safeguards around the use of buprenorphine.



Source: ThinkStock



By Eric Wicklund



September 18, 2020 - A group of clinicians and public health experts is pressing the federal government to make permanent telehealth policy changes that would improve access to care for people undergoing substance abuse treatment.

New Bill Looks to Mandate Payer Coverage for Telehealth Services

A bill introduced last week on Capitol Hill would prompt payers to cover any telehealth services if those services are also furnished in person.



Source: ThinkStock



By Eric Wicklund



September 21, 2020 - The latest bill introduced on Capitol Hill aims to level the playing field for payers by ensuring that all telehealth services be covered if those services are also furnished in person.

CMS Faces Another Call to Expand Telehealth Coverage for Specialists

More than 30 members of Congress have sent a letter to CMS Administrator Seema Verma asking her to expand COVID-19 telehealth coverage for audiology and speech-language pathology services.



Source: ThinkStock



By Eric Wicklund



October 13, 2020 - The Centers for Medicare & Medicaid Services is again facing calls to expand telehealth coverage for audiology and speech-language pathology during the coronavirus pandemic.

Telehealth Legislative Trackers

- **States:**

Center for Connected Health Policy (CCHP)

<https://track.govhawk.com/reports/24PKO/public>

- **Federal:**

Alliance for Connected Care

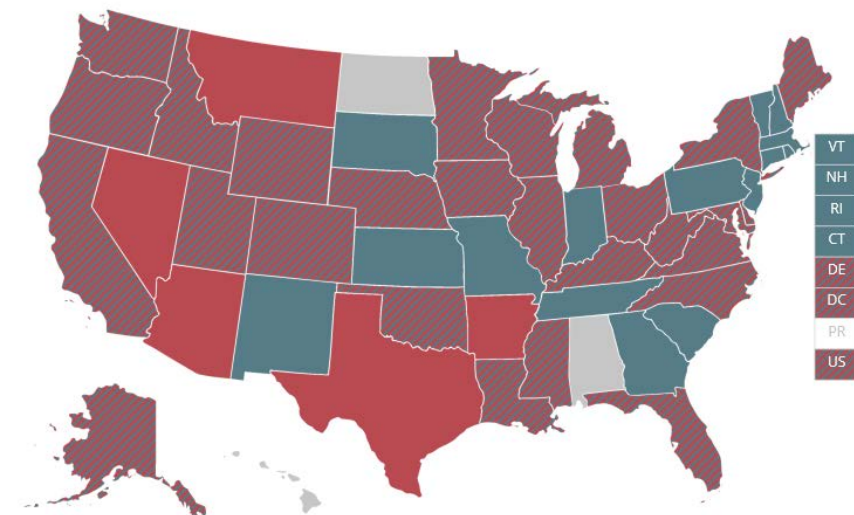
<http://connectwithcare.org/telehealth-legislation/>



Telehealth Legislation & Regulation

Utilize the interactive 50 state legislation and regulatory tracking tool, located below, to browse telehealth legislation and regulation across the nation for the current legislative session.

RETURN TO THE CENTER FOR CONNECTED HEALTH POLICY BY VISITING WWW.CCHPCA.ORG.



■	Jurisdictions with Bills
■	Jurisdictions with Registers
■	Jurisdictions with Bills and Registers

CMS Proposed CY 2021 Home Health Changes

- June 25, 2020
- Would make permanent reg. changes re: telecommunications tech in providing care under Medicare home health benefit (currently temp for PHE only)
- As long as telecom tech is related to skilled services furnished, outlined in care plan & tied to specific goal to facilitate Tx outcomes



CMS 2021 Proposed Physician Fee Schedule

POLICY NEWS

August 3, 2020

CMS May Eliminate Most Emergency Codes for COVID-19 Telehealth Services

CMS is planning to eliminate 74 of the 83 codes created to cover telehealth services during the coronavirus pandemic, though it's adding 13 new codes and could be swayed by public comments to add more coverage.

**mHEALTH
INTELLIGENCE**
xtelligent HEALTHCARE MEDIA



By **Eric Wicklund**

August 14, 2020



PFS Changes to CMS Telehealth Services List

Category 1	Category 3
GPC1X - Visit Complexity with certain Office/Outpatient E&M Services	99336-37- Domiciliary, Rest Home or Custodial Care Services (Established Patients)
99XXX – Prolonged Services	99349-50 – Home Visits (Established Patients) – only for SUD or co-occurring MH Disorders
90853 – Group Psychotherapy	99281-83 – Emergency Department Visits
96121 – Neurobehavioral Status Exam	99315-16 – Nursing Facility Discharge Day Management
99483- Care Planning for Patients with Cognitive Impairment	96130 – Psychological and Neuropsychological Testing
99334-35 – Domiciliary, Rest Home or Custodial Care Services	96131-33 – Psychological Testing Evaluation Services
99347-48 – Home Visits	

Other Proposed PFS Changes

- Expand providers for e-visits, remote assessment of patient-recorded video and/or images, virtual check-ins
- Allow direct clinical supervision via TH
- Improve TH frequency limitations for nursing facilities & inpatient
- Big changes to RPM

CMS Proposes Significant Changes to Remote Patient Monitoring Coverage

The Centers for Medicare & Medicaid Services has clarified how providers can use telehealth and mHealth to establish and run remote patient monitoring programs, with changes that some feel could hinder care at home.



Executive Order on Rural Health & TH Access

- August 3, 2020
- To expand access to TH services in rural areas & make certain services permanent once PHE ends
- Requires HHS to implement new payment model tailored to needs of rural communities
- Calls for federal gov't to deploy joint initiative within 30 days to improve rural healthcare communication infrastructure
- Extends availability of certain TH services after PHE

HHS, FCC, USDA Launch Rural Health Initiative

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SEP 02 | MORE ON POLICY AND LEGISLATION

HHS partners with FCC and USDA on rural telehealth initiative

Telehealth plays an increasingly critical part in treating patients, improving health outcomes and lowering costs.



Jeff Lagasse, Associate Editor



HHS, FCC, USDA Rural Health Initiative

- In response to Executive Order on improving rural health & TH access
- Jt. Effort to address health disparities, resolve service provider challenges, promote broadband
- FCC approved >500 TH funding applications under COVID-19 TH Program
- USDA will provide up to \$650M in grants & loans for broadband thru Rural Broadband ReConnect Program
- Will establish task force to consider guidelines, share info

FDA Digital Health Center of Excellence

- Announced last month
- To empower high quality digital health innovation
- To be central location for digital health expertise & resources



Taskforce on TH Policy – Sept. 15

- ATA, Alliance for Connected Care, National Committee for Quality Assurance
- Urges Congress to:
 - Expand originating sites, TH services, & TH modalities
 - Allow payer-provided tech, licensure reciprocity, & establishment of provider-pt. relationship via TH

Telehealth Task Force Announces Policy Change Recommendations

A task force launched in June to study how telehealth has been used during the coronavirus pandemic has released a study and list of recommendations for expanding coverage after COVID-19.



By Eric Wicklund



September 16, 2020 - A task force comprised of some of the biggest names in telehealth advocacy has issued a report calling for permanent changes to telehealth coverage beyond the coronavirus pandemic.

Telehealth Policy Resource

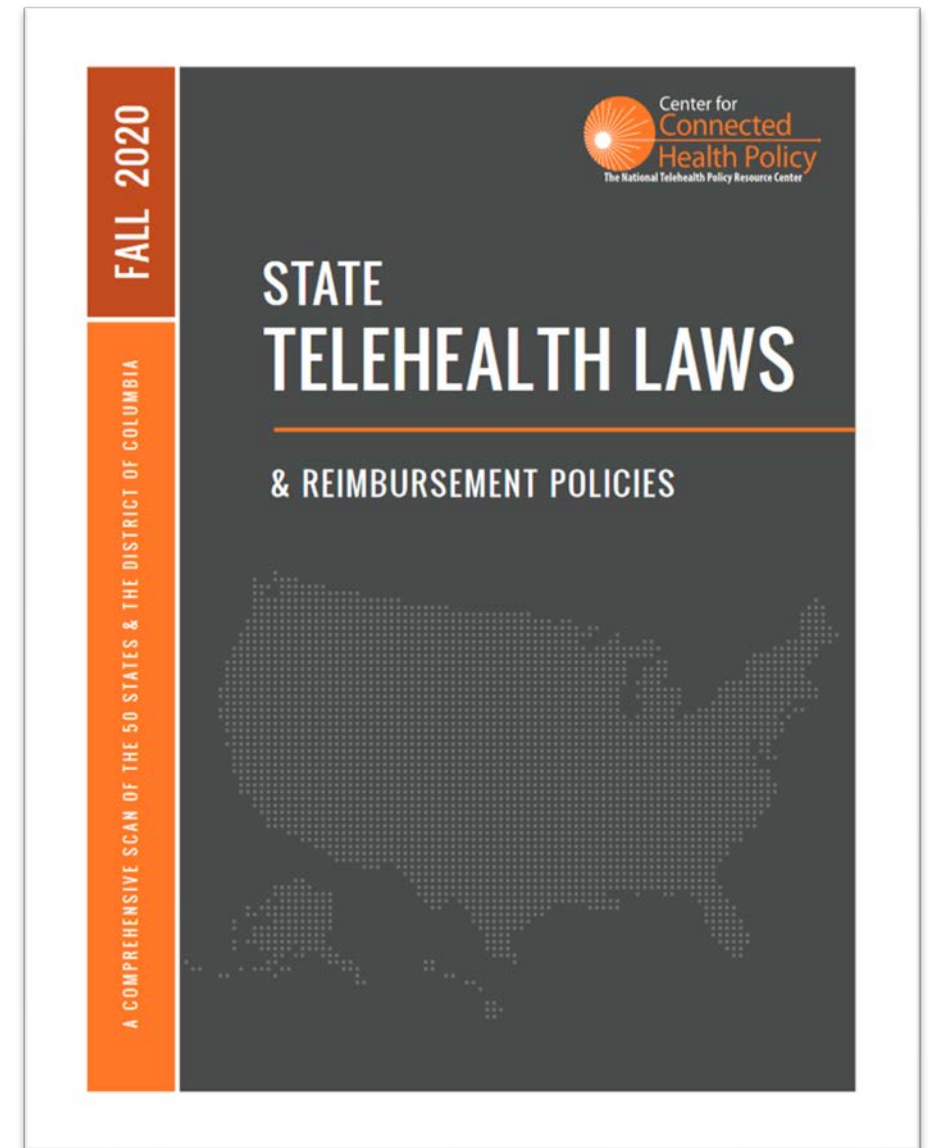
- ATP/SWTRC Telemedicine COVID-19 Resources web pages:

<https://southwesttrc.org/resources/covid19>



Telehealth Policy Resource

- Center for Connected Health Policy (CCHP):
<https://www.cchpca.org/>
- **NEW** as of yesterday! Fall 2020 50-state report



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Thank you!

For questions or more info:

nrowe@telemedicine.arizona.edu

<https://southwesttrc.org/resources/covid19>