

Federal Policy Updates



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2nd Annual Arizona Telemedicine Policy Symposium



COVID-19 Telehealth Changes: Recap

- Congress – CARES Act
- HHS – Multiple waivers
- CMS – Medicare & other restrictions lifted, CMMI flex
- OCR – HIPAA enforcement discretion
- OIG – AKS & CMP flexibilities
- DEA – PHE Telemedicine Exception
- FDA – relaxed certain device enforcement
- FCC – grants, more \$ for Rural Health Care Program
- DOD – TRICARE: audio-only, no cost-sharing, internat'l

What About the Future of Telehealth Regulation?

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

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

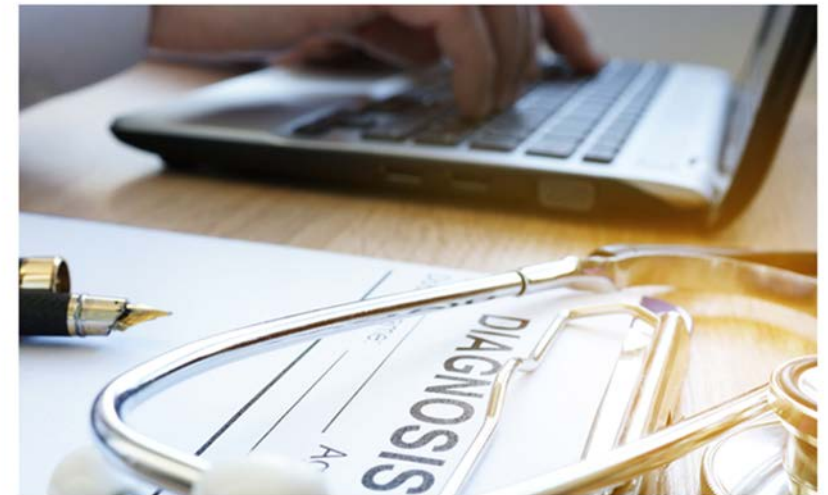


August 18, 2020 - A Missouri Congresswoman has introduced a telehealth bill that combines nine other connected health bills into one piece of legislation.

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

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.

Telehealth Legislative Trackers

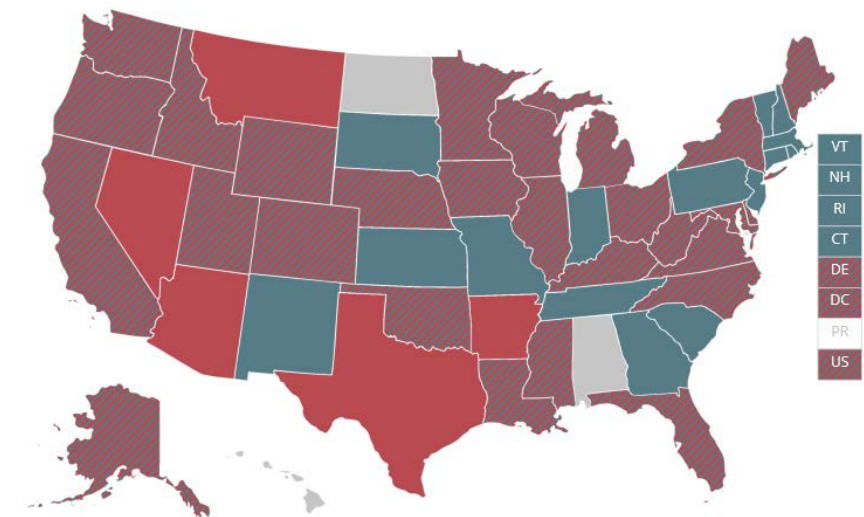
- States:
Center for Connected Health Policy (CCHP)
<https://track.govhawk.com/reports/24PKO/public>
- Federal:
Alliance for Connected Care
<http://connectwithcare.org/telehealth-legislation/>



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 the reg. changes re: telecommunications tech in providing care under Medicare home health benefit (currently temp for PHE only)
- As long as telecommunications 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

August 3, 2020

POLICY NEWS

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.

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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 who can perform 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
- Significant changes to RPM
- Public comment period ends **Oct. 5!**

Telehealth Policy Resources

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

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

- Center for Connected Health Policy (CCHP):

<https://www.cchpca.org/>





Thank you!

For questions or more
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[https://southwesttrc.org/resources/
covid19](https://southwesttrc.org/resources/covid19)



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