

## Special Open Door Forum on CMS' actions to Increase Access to Telehealth in Medicare April 8, 2020

Dr. Mary Green gave a broad overview of initiatives. Over 66 blanket waivers have been released that are valid through the pandemic. CMS is forwarding four strategies under the PHE: increase hospital capacity (hospitals without walls); rapidly expanding the HC workforce (e.g., allow hospitals to provide meals, child care, laundry services); Patients Over Paperwork; and, further promoting telehealth.

Emily Yoder, a CMS telehealth analyst, provided a summary of telehealth changes. Noted CMS is still considering how to implement related CARES Act provisions. Main change was to allow beneficiaries to receive telehealth at home vs. from a facility.

- Added a number of new options for telehealth
- Allow to code as service (that usually would have been in an office) with telehealth modifier
- Removed requirements that telehealth does not need to be an existing patient and may be performed by non-physician providers
- Direct supervision may be used through audio or video supervision
- Certain hospice services may be performed via telehealth
- Teaching physicians may use telehealth to supervise residents
- May be used for both acute and chronic health conditions
- Expanded telehealth by 80 services
- Modified billing requirements
- Elimination of frequency limitations
- Exercising enforcement discretion

Questions –

Q: Coding for telephone only, aka audio only, may it be used when a patient is not able to use visual tools?

A: Currently, Medicare telehealth codes are not allowed to be used for audio only, CARES Act has allowed CMS to waive this rule, CMS is currently reviewing what to change.

Q: Adding PT, OT, and Speech Therapists to utilize telehealth?

A: The statute provides a specific list of practitioners allowed to use telehealth, these are not on the list, CMS is reviewing whether CARES Act will allow the waiver on this.

Q: In event not able to provide an in-person visit and the patient declines a audio-visual call due, may use audio only with hospice?

A: Currently requires two-way face-to-face to perform this visit.

Q: Bill facility fee when the provider is within provider-based department when patient is not there?

A: Bill from the provider's physical location as the facility fee.

Q: If provider and patient are on the same campus but virtual, nurse on audio with a photograph of the area being treated, may that be treated as a regular hospital visit?

- A: Bill as hospital visit as long as physician is meeting all requirements, could be a photo with audio call.
- Q: Should doctors hold claims that are telephone only while CMS is determining how to handle and will doctors be able to appeal if already submitted?
- A: Cannot speak to future appeals, please follow up with e-mail of situations.
- Q: For codes that are non-physician practitioners require a patient portal be used, what is meant by a patient portal and would automated forms count as that?
- A: Cannot speak to that specifically.
- Q: How much will rural health providers be paid for telehealth services?
- A: Still working on how the services will be reimbursed.
- Q: How should hospitalists bill when performing via audio only?
- A: Different guidance depending on where the practitioner actually are, if in same settings, may bill as if in the room even if in another part of the building. If in different locations, bill as phone visits. Both may be new or established patients to bill. If both in the same setting but not the same room, can use 99410 code.
- Q: May physician initiate call or does the patient still need to initiate?
- A: Patient must say that they would like the physician to reach out, doctors should not cold call patients and then bill. CMS does not want physicians cold calling patients. Virtual check-ins have to be patient initiated.
- Q: May annual wellness visit be conducted if during the actual appointment time, may be audio only?
- A: May call for the wellness visit and must be audio-visual.
- Q: Does the allowance for audio only apply to behavioral health as well?
- A: Looking at additional waiver authority through the CARES Act to allow this.
- Q: Will audiology be allowed via telehealth and audiologists be able to do this?
- A: Please provide how this could be done to expand services.
- Q: Can PT in a SNF be done via telehealth in same location but not the same room?
- A: Bill as if it was face to face.
- Q: Home therapy visits, can PT, OT bill under telehealth for home visits?
- A: Will clarify shortly.