

**Summary of ODM Emergency Telehealth Rule – OAC §5160-1-21**

<b>Practitioners Eligible to Render Services</b>	
<b>MAY Bill Independently</b>	<b>MAY NOT Bill Independently</b>
<ul style="list-style-type: none"> <li>• Physicians</li> <li>• Psychologists</li> <li>• Physician Assistant</li> <li>• Clinical Nurse Specialist</li> <li>• Certified Nurse Midwife</li> <li>• Certified Nurse Practitioner/APN</li> <li>• Licensed Independent Social Worker</li> <li>• Licensed Independent Marriage and Family Therapist</li> <li>• Licensed Professional Clinical Counselor</li> <li>• Licensed Independent Chemical Dependency Counselor</li> <li>• Audiologist</li> <li>• Occupational Therapist</li> <li>• Physical Therapist</li> <li>• Speech-Language Pathologist</li> <li>• Medicaid School Program Practitioners</li> <li>• Dietitians</li> </ul>	<ul style="list-style-type: none"> <li>• Supervised Practitioners in BH               <ul style="list-style-type: none"> <li>○ Licensed professional counselor</li> <li>○ Licensed social worker</li> <li>○ Licensed marriage and family therapist</li> <li>○ Licensed chemical dependency counselor II &amp; III</li> </ul> </li> <li>• Supervised Trainees in BH               <ul style="list-style-type: none"> <li>○ Registered counselor trainee</li> <li>○ Registered social work trainee</li> <li>○ Marriage/Family Therapy trainee</li> <li>○ Chemical dependency counselor assistant</li> <li>○ Individuals registered with Ohio Board of Psychology, working under supervision of licensed psychologist</li> </ul> </li> <li>• Occupational Therapist Assistant</li> <li>• Physical Therapist Assistant</li> <li>• Speech Language Pathology Aides</li> <li>• Audiology Aides</li> <li>• Conditionally Licensed Speech Language Pathologists and Audiologists</li> </ul>
<p style="text-align: center;"><b><u>Additional Notes to Practitioners</u></b></p> <ul style="list-style-type: none"> <li>• While the definition of telehealth has expanded, requirements on standard of care are not relaxed. Practitioners must still adhere to their scope of practice and applicable standards and requirements for the care they are providing.</li> <li>• <u>Telehealth services are limited to “moderately complex” patients</u> – meaning E&amp;M services above 99214 will not be reimbursable.</li> <li>• Document locations of both participants in accordance with applicable telehealth smart phrase. There are currently no restrictions on the location of the provider or patient.</li> <li>• Applies to NEW &amp; ESTABLISHED PATIENTS, Initial Face-To-Face requirements have been lifted</li> </ul> <p><b>Prescribing Practitioners:</b></p> <ul style="list-style-type: none"> <li>• The DEA has invoked emergency authority to permit telemedicine prescribing of controlled substances without traditional in-person evaluation. DEA-registered practitioners may issue prescriptions for controlled substances to patients that they have not seen so long as:               <ul style="list-style-type: none"> <li>○ The prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice.</li> <li>○ The telemedicine communication is conducted using an <u>audio-visual, real-time, two-way interactive communication system</u>.</li> <li>○ The practitioner is acting in accordance with applicable Federal and State law.</li> </ul> </li> <li>• Practitioners must document that these requirements are met.</li> </ul>	

**Eligible Telehealth Services**

- E&M Services (Not to exceed moderate complexity)
- Inpatient or Office Consults for New & Established Patients
- Psychiatric Diagnostic Evaluation
- Psychotherapy
- Remote evaluation of recorded video or images from established patient
- Virtual check-in by physician or other qualified health care professional who can bill for E&M services for an established patient
- Online digital E&M for established patient
- Remote patient monitoring
- Audiology
- Speech-language pathology
- Physical therapy
- Occupational therapy
- Medical nutrition services
- Lactation counseling – dietitians
- Psychological testing
- Neuropsychological testing
- Smoking & tobacco cessation counseling
- Developmental test administration

**Additional Notes on Payment for Telehealth Services**

- Professional claims allowed
- Institutional claims allowed
- Originating fee for telehealth allowed
  - Billable if professional claim also has separately identifiable E&M service separate from and on the same date as another health care service rendered through telehealth
    - Per OAC 5160-1-21(E)(3).
- Medicaid school program services allowed

**Billing Requirements:**

- Providers should use the GT modifier, if not automatically added to the encounter by using the telehealth encounter type
- Providers must include, at a minimum, the telehealth smart phrase approved by NCH, and document the required information prompted by that smart phrase.
- Applicable CPT codes apply – use the most appropriate CPT for the services you are providing as if they were provided as normal.

**Important BH-Related Information**

Information above applies to BH. However, additional requirements specific to Community Mental Health Agencies and Outpatient BH Services have been modified/suspended in the following ways:

- Requirements for In-Person delivery, including initial face-to-face requirements, for following services suspended:
  - Assertive Community Treatment Team Services
  - Intensive Home-Based Treatment

- Therapeutic Behavioral Services
- Behavioral health Crisis Intervention
- Crisis Intervention
- Peer Recovery Support Services

#### **Specific Information Related to HIPAA & Security**

- All directives from DHHS-OCR are incorporated by reference.
- We may provide telehealth services through remote communications technology even if some technology may not fully comply with HIPAA rules. Restrictions apply:
  - Non-public facing audio or a/v are acceptable. No public-facing.
    - If used, providers should advise re: security risks and use all available encryption/privacy modes.
  - Facebook Live, Twitch, TikTok, and similar applications are considered public facing and may not be used.

#### **HIPAA Concerns, Verification, & Consent Process**

- Practitioners should continue to follow verification practices to ensure that the patients they are treating are who they claim to be, and that they are not providing protected health information to unauthorized individuals.
- Ensure that patient/guardian is able to be read the telehealth consent if they cannot access it via MyChart. If patient/guardian must be read the consent, document that consent was read to patient/guardian and that patient/guardian verbally accepted.
- Providers should utilize Zoom or other MyChart options, if possible. Other applications or software may not be HIPAA-compliant. However, OCR has publicly acknowledged that it will exercise its enforcement discretion and will not impose penalties for noncompliance with the regulatory requirements under the HIPAA Rules against covered health care providers in connection with the good faith provision of telehealth during the COVID-19 nationwide public health emergency.