MEDPAC Recommendations on Telehealth

March 29, 2021

Mei Wa Kwong, JD, Executive Director, CCHP

CENTER FOR CONNECTED HEALTH POLICY (CCHP) is a non-profit, non-partisan organization that seeks to advance state and national telehealth policy to promote improvements in health systems and greater health equity.
DISCLAIMERS

• Any information provided in today’s talk is not to be regarded as legal advice. Today’s talk is purely for informational purposes.

• Always consult with legal counsel.

• CCHP has no relevant financial interest, arrangement, or affiliation with any organizations related to commercial products or services discussed in this program.
ABOUT CCHP

- Established in 2009 as a program under the Public Health Institute
- Became federally designated national telehealth policy resource center in 2012 through a grant from HRSA
- Work with a variety of funders and partners on the state and federal levels
- Administrator National Consortium of Telehealth Resource Centers
- Convener for California Telehealth Policy Coalition
# Telehealth Policy Changes in COVID-19

## Federal

<table>
<thead>
<tr>
<th>Medicare Issue</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geographic Limit</td>
<td>Waived</td>
</tr>
<tr>
<td>Site limitation</td>
<td>Waived</td>
</tr>
<tr>
<td>Provider List</td>
<td>Expanded</td>
</tr>
<tr>
<td>Services Eligible</td>
<td>Added additional 80 codes</td>
</tr>
<tr>
<td>Visit limits</td>
<td>Waived certain limits</td>
</tr>
<tr>
<td>Modality</td>
<td>Live Video, Phone, some srvs</td>
</tr>
<tr>
<td>Supervision requirements</td>
<td>Relaxed some</td>
</tr>
<tr>
<td>Licensing</td>
<td>Relaxed requirements</td>
</tr>
<tr>
<td>Tech-Enabled/Comm-Based (not considered telehealth, but uses telehealth technology)</td>
<td>More codes eligible for phone &amp; allowed Pts/OTs/SLPs &amp; other use</td>
</tr>
</tbody>
</table>

## Medicaid Issue

<table>
<thead>
<tr>
<th>Medicare Issue</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modality</td>
<td>Allowing phone</td>
</tr>
<tr>
<td>Location</td>
<td>Allowing home</td>
</tr>
<tr>
<td>Consent</td>
<td>Relaxed consent requirements</td>
</tr>
<tr>
<td>Services</td>
<td>Expanded types of services eligible</td>
</tr>
<tr>
<td>Providers</td>
<td>Allowed other providers such as allied health pros</td>
</tr>
<tr>
<td>Licensing</td>
<td>Waived some requirements</td>
</tr>
</tbody>
</table>

- Private payer orders range from encouragement to cover telehealth to more explicit mandates
- Relaxed some health information protections
WHAT IS MEDPAC?

- Medicare Payment Advisory Commission (MedPAC)
- A non-partisan legislative branch agency that provides Congress with analysis and policy advice of Medicare
- Analyzes access to care, quality of care and other issues affecting Medicare
- Established in the Balanced Budget Act of 1997
- 17 Commissioners
- Regularly issues reports to Congress
MEDPAC – Medicare Payment Policy Report

- Issued March 2021
- Report to Congress
- Contains a telehealth chapter
REPORT RECOMMENDATIONS

- MedPAC Report
  - Recommended temporary extension of some of the waivers
  - Continue audio-only coverage on certain services
  - Continue reimbursement for some services if potential clinical benefit
  - Allow for coverage of specified telehealth services regardless of location
REPORT RECOMMENDATIONS

- MedPAC Report
- After PHE, only Physician Fee Schedule (PFS) facility rate should be paid
- During the PHE, a non-facility rate has been paid which is higher than PFS facility rate
- After PHE, providers should no longer be allowed to reduce or waive cost sharing costs
REPORT RECOMMENDATIONS

- Fraud Prevention
  - Added scrutiny to outlier clinicians
    - Look more closely at those clinicians who bill for a high number of services in a week or month
  - Require a face-to-face visit before ordering high cost DME or lab tests
  - Prohibit “incident to” billing for telehealth by any clinician who can bill Medicare directly
WHAT’S MISSING FROM THE RECOMMENDATIONS

- Expanded list of providers
- FQHCs, RHCs, OTs, etc., keeping around expanded list of providers not mentioned
- HIPAA relaxations
CCHP Website – cchpca.org

- Telehealth Federal Policies -
  https://www.cchpca.org/resources/covid-19-telehealth-coverage-policies

- State Emergency Waivers/Guidance -
  https://www.cchpca.org/resources/covid-19-related-state-actions

Subscribe to the CCHP newsletter at cchpca.org/contact/subscribe
Thank You!

www.cchpca.org

info@cchpca.org