

COVID-19 FAQ

12. *What telehealth waivers are currently in place for the COVID-19 Public Health Emergency?*

Date added: 4/01/20

Answer: There are three waivers in place for telehealth:

- 1. Ability to Get Reimbursement from Providers.** As of the date of this FAQ, Medicare will not reimburse ambulance services directly for providing telehealth services. Currently, only licensed practitioners who provide **telehealth visits**, **virtual check-ins**, or **e-visits** bill Medicare for the telehealth service. But, during the Public Health Emergency, the Centers for Medicare & Medicaid Services (CMS) is allowing licensed practitioners to contract other providers, including EMS providers, for staff time during telehealth transactions. EMS can then bill the **practitioner** (NOT Medicare) for the EMT's or paramedic's services associated with the telehealth transaction.
- 2. Telehealth Can Originate Anywhere During COVID Emergency.** During the Public Health Emergency, CMS has relaxed the standard on where telehealth transactions may originate. Prior to the Health Emergency waiver, Medicare would only pay for telehealth on a limited basis: 1) when the person receiving the service is in a *designated rural area*; or 2) when the beneficiary leaves their home and go to a clinic, hospital, or certain other types of medical facilities - *i.e.*, an approved origination site - for the telehealth service. During the Health Emergency, a CMS waiver is in effect and telehealth calls may originate from anywhere, including a scene or a patient's residence.
- 3. The Office For Civil Rights (OCR) is Permitting the Use of Additional Platforms for Telehealth During the COVID Emergency.** OCR has relaxed HIPAA enforcement for telehealth platforms during the Health Emergency. During the Emergency, practitioners and those assisting practitioners in telehealth transactions can use apps that, according to OCR, do not "fully comply with the requirements of the HIPAA Rules." This may include any **non-public facing remote communication** product that is available to communicate with patients, such as:
 - Apple FaceTime
 - Facebook Messenger video chat
 - Google Hangouts video
 - Skype

Remember, that the waivers are only in effect during the Public Health Emergency. You should use a telehealth platform that is encrypted and contract with a company that will sign a business associate agreement with your agency if that agency will be transmitting or storing PHI on your behalf.