

INTERIM FINAL RULE APRIL 1, 2020

The Center for Medicare and Medicaid Service (CMS) submitted an [interim final rule](#) that included changes to telehealth policy in Medicare. Some of these changes have also been explained in CMS guidances recently issued, but not all items were covered by the CMS released materials.

TELEHEALTH IN MEDICARE			
SUBJECT AREA	INTERIM RULE	PAGE # IN INTERIM RULE	CMS GUIDANCE ISSUED
Modifiers/Place of Service	Providers allowed to report POS code that would have been reported had the service been furnished in person so that providers can receive the appropriate facility or non-facility rate and use the modifier “95” to indicate the service took place through telehealth. POS code 02 will also still be accepted and pays the facility rate.	Pages - 13-15	
Added eligible service codes	<ul style="list-style-type: none"> • ED Visits – 99281-99285 • Initial & Subsequent Observation/Observation Discharge Day Management – 99217-99220, 99224-99226; 99234-99236 • Initial hospital care & hospital discharge day management – 99221-99223, 99238-99239, 99304-99306; 99315-99316 • Critical Care Services – 99291-99292; 99327-99328; 99334-99337 • Home Visits – 99341-99345; 99347-99350 • Inpatient Neonatal & Pediatric Critical Care – 99468-99469; 99471-99476 • Initial & Continuing Intensive Care Services – 99477-99480; 99483 • Group Psychotherapy – 90853 • ESRD – 90952-90953; 90959; 90962 • Psychological & Neuropsychological Testing – 96130-96133; 96136-96139 • Radiation treatment - 77427 	Pages 19-34; 40	Physician & Other Clinicians: CMS Flexibilities
Addition of therapy code services	Added the following therapy code services to be reimbursed for telehealth but note that PTs, OTs and Speech-language pathologists are not eligible providers:	Pages 34-40	Physician & Other Clinicians: CMS Flexibilities

		•97161-97168; 97110; 97112; 97116; 97535; 97750; 97755; 97760-97761; 92521-92524; 92507		
Frequency Limitations Removed		Subsequent Inpatient Visits; Subsequent Nursing Facility Visits; Critical Care Consultation Services.	Pages 41-44	Physician & Other Clinicians: CMS Flexibilities
ESRD – Hands on exam of vascular site and in-person visits every 1 month first 3 months/every 3 months afterwards		Allowed to do via telehealth.	Pages 45-48	Physician & Other Clinicians: CMS Flexibilities
Modality		Allowance of smart phone, but still must have audio/visual - <i>We are adding the following language at § 410.78(a)(3)(i): “Exception. For the duration of the public health emergency as defined in § 400.200 of this chapter, Interactive telecommunications system means multimedia communications equipment that includes, at a minimum, audio and video equipment permitting two-way, real-time interactive communication between the patient and distant site physician or practitioner.”</i>	Pages 48-49	
Direct Supervision Requirements		Temporarily alter definition of direct supervision in §410.32(b)(3)(ii) to “state that the necessary presence of the physician for direct supervision includes virtual presence through audio/video real-time communications technology.” Similar changes also for §410.28(e)(1) for certain hospital and CAH diagnostic and therapeutic services & §410.27(a)(1)(iv)(D), pulmonary rehabilitation, cardiac rehabilitation and intensive cardiac rehabilitation. Change to §412.622(a)(3)(iv) rehabilitation physician supervision.	Pages 58-59, 79	
Homebound definition		Includes those self-quarantining with COVID-19 diagnosis or those who would be at greater risk of exposure.	Pages 61-62	
Use of telehealth for hospice		Allowed to use telehealth for some hospice service, include technology use in the plan.	Pages 73-75	
TELECOMMUNICATION TECHNOLOGY-BASED SERVICES IN MEDICARE				
SUBJECT AREA		INTERIM RULE	PAGE # IN INTERIM RULE	CMS GUIDANCE ISSUED

Established relationship	Can be furnished to new and established patients.	Page 52	
Consent obtained	Can be documented by auxiliary staff under general supervision and can be obtained at same time of service. For Online Digital Evals, will exercise enforcement discretion to relax established patient requirement	Pages 51-54	
G2010, G2012, G2061-G2063 Codes Who can also bill these codes	Can be furnished by licensed clinical social worker, clinical psychologist, physical therapist, occupational therapist or speech language pathologist.	Pages 54-55	
Remote physiological monitoring services	Can be provide to new patients	Page 121	Physician & Other Clinicians: CMS Flexibilities
Telephone E/M Services	98966-98968; 99441-99443	Page 122-125	Physician & Other Clinicians: CMS Flexibilities
FQHC/RHC IN MEDICARE			
SUBJECT AREA	INTERIM RULE	PAGE # IN INTERIM RULE	CMS GUIDANCE ISSUED
Expansion of Virtual Communication Services	Added codes 99421-99423 (Online digital E&M). Effective back to March 1, 2020. These and G0071 are available to new patients.	Page 86	
OTHER TELEHEALTH ITEMS			
SUBJECT AREA	INTERIM RULE	PAGE # IN INTERIM RULE	CMS GUIDANCE ISSUED
Telehealth services in teaching physician services	Residents can provide services via telehealth live video and supervision of residents can be done via live video. Medicare payment can be made to teaching physician services when the resident furnishes telehealth service to beneficiaries under direct supervision of teaching physician who is supervising by interactive telecommunication technology, even if the resident is in quarantine.	Pages 106-108	