

# Health Law Alert: Medicaid Updates Telehealth/Telephonic Services Guidance

In follow-up to Medicaid Updates issued on March 15th and March 21st, the Department of Health released a third Update on March 23rd. This series of Updates provides comprehensive guidance on Medicaid coverage of telehealth services, including telephonic services, provided to Medicaid beneficiaries during the COVID-19 State of Emergency. The March 23rd Update clarifies certain information reflected in a detailed chart of the applicable reimbursement policies and procedures. The chart presents six “Lanes” which detail what telephonic services are reimbursable and how claims should be submitted. The first two Lanes provide direction for fee-schedule billers, primarily individual practitioners in office-based settings. The remaining Lanes are directed at other provider types, primarily those which bill specific rates for clinics and other services. In comparison to the earlier Updates, several additional provider-types which/who can be reimbursed for services provided telephonically have been added to the chart. Added provider-types and services include those provided by Federally-Qualified Health Centers (FQHC) and by School-Based Health Clinics operated by FQHCs, services provided by home care aides, RNs, therapists and home care workers in clinics, Day Programs, Home and Community-Based Services, and Adult Day Health Care, among others. While Managed Medicaid plans are required to cover the described services, providers must contact the plans directly for guidance on billing procedures. The chart further directs providers of mental health, substance abuse, and OPWDD services to the applicable State agency for further guidance on what telehealth/telephonic services are reimbursable by Medicaid and how to file such claims.

The Update also clarifies that the previous rules for telemedicine services provided at an Article 28 facility (i.e., where the Article 28 is the “originating site” where the patient is located) apply to diagnostic and treatment centers, as well as hospitals. The Update also provides that, in addition to physicians, nurse practitioners, physician assistants and mid-wives can provide telehealth services to patients at those locations. It also confirms that a provider’s home, as opposed to their office, can be the “secure location” from which they can provide telehealth professional services.

Finally, the Update highlights a new, dedicated e-mail address to which Medicaid-related telehealth/telephonic services and policy questions can be directed – [TeleHealth.Policy@health.ny.gov](mailto:TeleHealth.Policy@health.ny.gov).

The complete Update can be found at this link:

[https://health.ny.gov/health\\_care/medicaid/program/update/2020/docs/2020-03-21\\_covid-19\\_telehealth.pdf](https://health.ny.gov/health_care/medicaid/program/update/2020/docs/2020-03-21_covid-19_telehealth.pdf)

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