GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health Care Finance

Office of the Senior Deputy Director-Medicaid Director

Transmittal # 20-28

TO: District of Columbia Medicaid Providers

FROM: Melisa Byrd
Senior Deputy Director and State Medicaid Director

DATE: July 9, 2020

SUBJECT: **Billing for Telemedicine Encounters**

Purpose

The purpose of this transmittal is to inform all Medicaid providers that the Department of Health Care Finance (DHCF) will reimburse for telemedicine services delivered to a beneficiary's home as the originating site, pursuant to emergency and proposed rulemaking issued on March 12, 2020. DHCF has authority to continue to provide these services even if there is a lapse in rulemaking authority under the Mayor's Executive Order #20-0052 as part of its commitment to ensuring DC Medicaid beneficiaries have access to services during the COVID-19 public health emergency.

Background

On March 12, 2020, DHCF adopted an emergency and proposed rulemaking to amend Section 910 of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations entitled "Medicaid-Reimbursable Telemedicine Services." The rulemaking proposed changes to District Medicaid telemedicine requirements to:

- Allow services to be provided through telemedicine in a beneficiary's home;
- Establish the requirements for technology to home-related telemedicine services; and
- Clarify that the standards set forth in Section 910, and any corresponding requirements set forth under the terms of the managed care contract, also apply to minimum program requirements implemented under District Medicaid managed care program.

Additional guidance issued on March 12, 2020 clarified that it is acceptable for providers who render services to do so remotely so long as telemedicine services can be rendered at the standard of care per requirements from the DC Department of Health (DC Health)[1] and relevant professional licensure boards.

DHCF published Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on March 20, 2020 at 67 DCR 003293. The emergency and proposed rulemaking is effective until July 10, 2020, unless DHCF supersedes it by publishing a Notice of Final Rulemaking in the *DC Register*.[2] DHCF received several comments in support of the telemedicine changes in the proposed rule and intends to publish a Notice of Final Rulemaking to adopt the changes described above, on a permanent basis

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[1] Memo – Guidance on the Use of Telehealth.pdf (March 12, 2020).
[2] Medicaid Reimbursable Telemedicine Services Notice of Emergency and Proposed Rulemaking (https://dhcf.dc.gov/node/1468036).

Authority to Act Under Mayor's Executive Order
Under Mayor's Executive Order #2020-052, DHCF was delegated authority to take administrative action as needed to preserve access to services for District residents who are enrolled in DHCF health coverage programs. Under this authority, DHCF is sustaining reimbursement for Medicaid-covered services provided through telemedicine when regulatory authority lapses after July 10, 2020, until the proposed rules can be finalized

Contact
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Cc: DC Hospital Association
DC Primary Care Association
DC Health Care Association
DC Home Health Association
DC Behavioral Health Association
DC Coalition of Disability Service Providers
Medical Society of DC