Maryland
DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

To: All Medicaid Provider Types, Medicaid Managed Care Organizations, Optum Behavioral Health ASO

From: Robert R. Neall, Secretary
Maryland Department of Health

Re: **COVID-19 #1: Temporary Expansion of Medicaid Regulations to Permit Delivery of Telehealth Services to the Home to Mitigate Possible Spread of Novel Coronavirus ("COVID-19")**

NOTE: Please ensure appropriate staff members in your organization are informed of the contents of this memorandum

Background
On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency due to disease ("COVID-19") caused by the novel coronavirus. An outbreak of disease due to COVID-19 first occurred in the Hubei Province, China, in late 2019, and has currently been detected in more than 109 countries, including the United States. COVID-19 is a severe respiratory disease, resulting in illness or death, caused by person-to-person spread of the novel coronavirus.

Commonly reported symptoms of COVID-19 infection include fever, cough, shortness of breath, and pneumonia. While the exact incubation period for this coronavirus has not yet been determined, it is believed that most infected people will develop symptoms 2-14 days after they were exposed. There is no vaccine available for COVID-19. Prevention measures center on frequent hand-washing, covering coughs and sneezes, and separating people who have respiratory symptoms. Treatment for COVID-19, as with any coronavirus infection like the common cold, includes the use of over-the-counter fever-relievers, drinking plenty of fluids and resting at home to help relieve symptoms. Those with more severe symptoms may be hospitalized to provide additional support.

Temporary Expansion of Medicaid Telehealth Services with the Home as an Originating Site
Pursuant to the authority vested in the Secretary of Health by the laws of Maryland, including but not limited to Md. HEALTH-GENERAL Code Ann. Sections 18-102 and 18-103, to prevent the spread of disease and control communicable diseases, I hereby temporarily expand the definition of a telehealth originating site under COMAR 10.09.49.06 to include a participant's home or any other secure location as approved by the participant and the provider for purpose of delivery of Medicaid-covered services. The purpose of this expansion of regulatory authority is to ensure individuals can access certain health care services in their own home while mitigating possible risk for transmission of COVID-19. This expansion applies to services delivered to a Medicaid participant via fee-for-service or through a HealthChoice Managed Care Organization ("MCO"). This expansion will remain in place until further notice by the Department.

Requirements

Medicaid distant site providers delivering services via telehealth to a participant in their home must continue to comply with all other requirements of COMAR 10.09.49 and the Maryland Medicaid Telehealth Program Manual. Key considerations are outlined in brief below. Additional information regarding Telehealth Program requirements and FAQs can be found online, https://mmcp.health.maryland.gov/Pages/telehealth.aspx.

Any provider type is permitted to render telehealth services as a distant site within their scope of practice. The Telehealth Program does not have any geographic restrictions. Services provided via telehealth must be provided through two-way audio-visual technology assisted communication with the participant who is physically located at a permitted originating site. Services that either require in-person evaluation or cannot be reasonably delivered via telehealth are not eligible for reimbursement.

Services provided through telehealth are subject to the same program restrictions, preauthorizations, limitations and coverage that exist for the service when provided in-person.

- Somatic services: Providers must contact the participant's Healthchoice MCO with questions regarding prior authorization requirements for services rendered via telehealth.
- Behavioral health services: Providers must contact the behavioral health ASO with questions regarding prior authorization requirements for services rendered via telehealth.

A telehealth provider must use technology that supports the standard level of care required to deliver the service rendered. Providers shall use a secured and HIPAA compliant telehealth communication (COMAR 10.09.49.08) and meet all other technical requirements of COMAR 10.09.49.07. The Program will not reimburse telehealth providers when technical difficulties prevent delivery of part or all of the telehealth session.

To bill for telehealth services, providers must bill for the appropriate service code and use the "-GT" modifier to identify the claim as a telehealth delivered service. Providers should bill using the place of service code that would be appropriate as if it were a non-telehealth claim. The distant site should bill using the location of the doctor. If a distant site provider is rendering services at an off-site office, bill using place of service office (11). Place of Service Code 02 (Telehealth) is not recognized for Maryland Medicaid participants except for use on Medicare crossover claims to specify services rendered through a telecommunication system for dual eligible participants.

The distant site providers must maintain documentation in the same manner as for an in-person visit or consultation, using either electronic or paper medical records, per the Health-General Article, §4-403, Annotated Code of Maryland. The distant site should document the participant's consent to receive telehealth services in their medical record. Consent may be given verbally by the participant.