

## Centers for Medicare & Medicaid Services Guidance for Telehealth Services

The Centers for Medicare & Medicaid Services have temporarily expanded their telehealth services due to the COVID-19 outbreak. CMS expanded telemedicine services to help patients who need routine care to stay in their homes to help contain the spread of COVID-19, under the 1135 waiver authority and Coronavirus Preparedness and Response Supplemental Appropriations Act.

**CMS Coronavirus Waivers & Flexibilities:** In certain circumstances, the Secretary of the Department of Health and Human Services, using section 1135 of the Social Security Act, can temporarily modify or waive certain Medicare, Medicaid, CHIP or HIPAA requirements, called 1135 waivers. There are different kinds of 1135 waivers, including Medicare blanket waivers. <https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-waivers>\*

CMS released new guidance on April 10, 2020, about the applicability of diagnoses from telehealth services for risk adjustment. <https://www.cms.gov/files/document/applicability-diagnoses-telehealth-services-risk-adjustment-4102020.pdf>\*

The terms telehealth and telemedicine are often used interchangeably, but are slightly different. Telemedicine refers specifically to remote clinical services, like a remote doctor-patient interaction. Telemedicine is only one component of telehealth. Telehealth is a combination of telecommunications services that involve both remote clinical services (e.g., telemedicine) and non-clinical services, like health education services or remote monitoring of vital signs or blood pressure.

There are three types of telehealth visits included in the waiver by CMS:

- Telehealth visit
- Virtual check-in
- E-visit

### Telehealth visits

Medicare patients may use telecommunications for office, hospital visits and other services that generally occur in person. The provider must have an interactive audio and video telecommunications system that allows for real-time communication between the provider and the patient.

- CMS recently provided temporary flexibilities so that new and established patients can use telehealth visits.
- These visits are considered the same as face-to-face visits.
- Documentation from this type of visit can be used for risk adjustment purposes.

### Virtual check-ins

All patients may have a *brief* check-in (five to 10 minutes) with their provider by telephone (audio) or other telecommunication device to decide whether an office visit or other service is needed.

Virtual check-ins can be done by:

- Telephone conversation with the patient
- Secure text messaging
- Email
- Patients can also send their provider a captured video or image

## E-visits

Patients can use online patient portals to communicate with their providers.

- Patient must initiate the general inquiry
- CMS recently provided temporary flexibilities so that new and established patients can use e-visits.

Risk adjustment eligible	Not risk adjustment eligible
Telehealth visits (audio and video)	E-visits
E/M visits	Virtual check-ins
Annual wellness visits	

## Types of audio-video telecommunications systems

For the duration of the public health emergency for COVID-19, providers are allowed to use audio-visual functionality on mobile phones. The HHS Office for Civil Rights will exercise enforcement discretion allowing the good faith use of popular video-chat applications, including FaceTime, Zoom for Healthcare and Skype. Public-facing applications should not be used for telehealth services, such as Facebook Live, Twitch, Tiktok or other similar applications.

For more details, go to <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>\*.

Information and summary of Medicare telemedicine services can be found on the CMS website:  
<https://www.cms.gov/newsroom/fact-sheets/medicare-telemedicine-health-care-provider-fact-sheet>\*  
<https://www.cms.gov/Medicare/Medicare-General-Information/Telehealth/Telehealth-codes>\*  
<https://www.cms.gov/files/document/general-telemedicine-toolkit.pdf>\*

\*Blue Cross Blue Shield of Michigan and Blue Care Network don't own or control this website.