

Cross-agency Telehealth Guidance

On March 6, 2020, Governor Wolf issued an [emergency disaster declaration](#), in response to the presence of the novel coronavirus (COVID-19) in Pennsylvania. The issuance of this disaster declaration has allowed the Wolf Administration to identify regulations and requirements that can be temporarily waived or suspended to allow for the flexibility needed to respond to this crisis.

Given the potential for widespread transmission of COVID-19 across Pennsylvania, many health care providers and patients are considering the expanded use of telehealth rather than in-person health care services to limit the spread of the virus. Therefore, the Administration has taken a number of steps to ensure that patients in need of these vital services are receiving them in a timely, appropriate manner.

Expanded Role of Providers

Governor Wolf granted the Department of State authority to allow health care professionals from out-of-state to treat Pennsylvania residents using telehealth, when appropriate, due to COVID-19. This new guidance applies to the following boards:

- Chiropractic
- Dentistry
- Medicine
- Nursing
- Optometry
- Pharmacy
- Podiatry
- Psychology
- Osteopathic Medicine
- Nursing Home Administrators
- Occupational Therapy Education and Licensure
- Physical Therapy
- Social Workers, Marriage and Family Therapists, and Professional Counselors
- Examiners in Speech-Language Pathology and Audiology
- Veterinary Medicine

Additionally, the Department of State is working with the Governor's Office, the Department of Health, and the Department of Human Services to identify regulations and requirements that can be waived to give medical providers and facilities the flexibility essential to respond to this crisis. These will be published on the [Department of State website](#) as they become available. We encourage providers and insurers to check these updates frequently.

Governor Wolf also granted the Department of State's request for a waiver to allow licensed practitioners in other states to provide services to Pennsylvanians via the use of telehealth without obtaining a Pennsylvania license, for the duration of the emergency. Out-of-state practitioners must meet [certain criteria](#) before being granted this authorization.

Although authorization to engage in telehealth from a professional licensing standpoint is separate and apart from any insurance coverage or payment issue that falls under the Department of Health, the Department of Human Services, the Insurance Department, or any other state or federal agency, the

Administration has taken several proactive steps to address access and affordability issues so that Pennsylvanians are able to get the care they need.

Expanding Reimbursement for Telehealth Services

Pennsylvania Medical Assistance (Medicaid)

On March 20, 2020, the Office of Medical Assistance Programs (OMAP) issued [telehealth guidelines](#) and on March 24, 2020, updated a set of [FAQs](#) outlining Medical Assistance (MA) Program coverage of COVID-19 testing and related services. This FAQ also provides pertinent information for out-of-state providers who would like to enroll in the MA Program. Guidelines on telehealth for CHIP can also be found in the [CHIP FAQs](#) that were issued on March 27, 2020.

The guidance advises providers that telehealth may be used to provide services to MA fee-for-service beneficiaries and Physical HealthChoices Managed Care Organization (MCO) members. There is no requirement for a physician or other healthcare professional to be physically present at the originating site, where the member is located, and telehealth services may be provided by any means that allows for two-way, real-time interactive communication, such as through audio-video (A/V) conferencing hosted by a secure mobile application.

Given the Governor's emergency disaster declaration and the CDC's [recommendations](#) related to quarantine and isolation, OMAP announced in its [telehealth guidelines](#) a *preference* for use of telehealth as a delivery method for medically necessary healthcare services, and explained that telephone only services may be used where video technology is not available. Telehealth services will be paid at the same rate as if they were delivered in person. For specific coverage information, please contact the MA fee-for-service program, or your MCO if you are enrolled in Physical HealthChoices. This contact information can be found at the bottom of the [FAQ](#).

Pennsylvania Insurance Department (PID)

The Pennsylvania Insurance Department issued [Notice 2020-03](#), setting forth the Insurance Department's expectations that, among other things, health insurance carriers in the Commonwealth would make telehealth services more widely available. That provision recognizes the communicable nature of COVID-19 and advocates for the use of telehealth to stem the rapid spread of COVID-19 while still allowing members to access vital treatment. Those services include all health care services, not only those specific to the evaluation and diagnosis of COVID-19. The Insurance Department asks that insurers review their respective participating telehealth service provider agreements, provide coverage of costs related to telehealth services, and be prepared to meet any increased demand for that means of delivery.

Telehealth for Infant Toddler Early Intervention Procedures

On March 21, 2020, the Office of Child Development and Early Learning issued [guidance](#) for the use of tele-intervention for Early Intervention services while face-to-face interactions are limited during the COVID-19 pandemic.

The term tele-intervention is being used to describe Early Intervention services that are being provided using audio/video technology and where that technology is not available, the use of a telephone. Tele-intervention for the purpose of Early Intervention services are services consistent with and by the

provider types that are identified in the OMAP [telehealth guidelines](#), where they are referred to as tele-medicine. The provider types identified in that document are those for physical therapy, occupational therapy and speech therapy. In addition, tele-intervention can also be used by Early Intervention services provided by all special instruction provider types, and state or maintenance funded occupational, speech and physical therapy.

Telehealth for Behavioral Health

Recognizing the importance of the continued delivery of behavioral health care during this difficult time, the Administration has taken special steps to ensure that behavioral health services will continue to be delivered to Pennsylvanians, *including through telehealth*.

Department of Human Services Actions

The Office of Mental Health and Substance Use Disorder (OMHSAS) issued [telehealth guidelines](#) related to COVID-19. OMHSAS has temporarily suspended certain requirements for providing behavioral health services via telehealth. Changes to existing telehealth regulations include:

- Staff may deliver telehealth services via telephonic and video communication application such as FaceTime or Skype available on smart phones, and through telephonic only devices when video technology is not available;
- Telehealth services may be provided in the home and without provider staff being physically present with the individual receiving services;
- Practitioner types who can provide telehealth services is expanded beyond what is typically permitted;
- Both Behavioral HealthChoices and fee-for-service providers may bill for telehealth;
- Typical face-to-face contact percentages may be met with the use of telehealth;
- Programmatic limits for the amount of service that may be provided through telehealth are temporarily suspended.

Providers that are currently approved to provide services through telehealth technology may immediately begin to implement the expanded use of telehealth. Providers that are not currently approved to provide services through telehealth technology may immediately begin to implement the use of telehealth. Additional information can be found in the OMHSAS [telehealth guidelines](#).

Pennsylvania Insurance Department Actions

It is the Insurance Department's expectation that expanded telehealth access be made available for all services, whether medical/surgical or behavioral health. Thus, all insurers should make telehealth behavioral health services available to their insureds with as few barriers as possible. PID further expects that this flexibility will extend to all types of licensed professions. PID recognizes that many insurers use behavioral health vendors; the insurers are expected to work with their vendors to update their systems and processes as needed so as to avoid barriers to telehealth access.

Department of Drug and Alcohol Programs Actions

The Department of Drug and Alcohol Programs (DDAP) granted Single County Authorities the ability to use grant funds they have received from DDAP for outpatient substance use disorder treatment facilities to provide counseling and other clinical services using telehealth technology. Substance use disorder counselors who meet the qualifications listed under [28 Pa. Code § 704.7\(b\)](#) are able to provide telehealth in licensed drug and alcohol outpatient clinics. The guidance can be found [here](#). DDAP also issued two licensing alerts specific to narcotic treatment programs (NTPs). These alerts temporarily suspend the regulation [requiring NTPs to make face-to-face determination](#) prior to beginning buprenorphine treatment, as well as the regulation [requiring on-site NTP physician services](#).

In addition, DDAP released a [policy bulletin](#) that allows providers who have a grant agreement with DDAP to provide outpatient problem gambling services to use those grant funds to provide assessments and outpatient counseling for clients using telehealth.

Additional information, including DDAP clarification on federal and state SUD confidentiality concerns when using telehealth and DEA clarification on teleprescribing controlled substances (e.g. methadone, buprenorphine) during a public health emergency can be found [here](#) and [here](#), respectively.

Additional Resources

Please continue to review the [Pennsylvania Department of Health](#) and [CDC](#) websites for the most up to date information on COVID-19.

Additional telehealth resources are available at:

PA Department of State List of Professional Licensing Waivers: <https://www.dos.pa.gov/Pages/COVID-19-Waivers.aspx>

CMS/CCIIO webpage: <https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs#COVID-19>

FAQs on Availability and Usage of Telehealth Services through Private Health Insurance Coverage in Response to Coronavirus Disease 2019 (COVID-19): <https://www.cms.gov/files/document/faqs-telehealth-covid-19.pdf>

Department of Drug and Alcohol Programs COVID-19 page: <https://www.ddap.pa.gov/Get%20Help%20Now/Pages/Coronavirus.aspx>

United States Department of Health and Human Services non-enforcement policy: <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>