In-Person Requirements (6-Month Rule) for Mental Telehealth Visits
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Richelle Marting is an attorney, registered health information administrator, and certified coder who focuses on healthcare coding, billing, and reimbursement issues. She has practical, in-the-trenches experience with coding and billing issues. She has served as an outpatient multi-specialty surgery coder, hospital-based outpatient coder and a compliance coordinator for a large multi-specialty medical group. As an attorney she advises clients proactively on complex reimbursement questions and has guided multiple clients through extensive Medicare and OIG audits and investigations.

The information in this session is intended to be educational and is not legal advice. No attorney-client relationship is created by way of this informational session.
Overview

“Regular” Medicare Telehealth Requirements

Consolidated Appropriations Act of 2021

Learning by Example

SUPPORT Act

Consolidated Appropriations Act of 2022
Consolidated Appropriations Act 2021
SUPPORT Act
Consolidated Appropriations Act of 2022
Social Security Act
6-Month In-Person Visit (CAA)
SUD (SUPPORT)
151-Day Extension
Regular
“Regular” Medicare Telehealth Requirements Under Social Security Act

- Originating site
  - Geographic area
  - Limited eligible sites
    - The office of a physician or practitioner
    - A critical access hospital
    - A rural health clinic
    - A Federally qualified health center
    - A hospital
    - A hospital-based or critical access hospital-based renal dialysis center (including satellites)
    - A skilled nursing facility
    - A community mental health center
    - A renal dialysis facility, **but only for limited purposes**
    - The home of an individual, **but only for limited purposes**

- Distant site
  - Defined by DHHS/CMS (not by statute)

- Telecommunications system
  - Defined by DHHS/CMS (not by statute)

- **CMS Covered Telehealth Services list**
These rules are the baseline for coverage.

SUPPORT Act and Consolidated Appropriations Act add coverage options for mental/behavioral telehealth where it doesn’t exist at baseline.
Home is an eligible originating site

Some services can be rendered as audio-only
• “Originating site” will continue to include home – or any other location from which patient is receiving a telehealth service throughout the U.S.
• Will continue to cover audio-only
• These (among others) will continue for 151 days after the PHE ends

• During this time, telehealth to patients at home, audio-only are still covered as “regular” telehealth services
*Add*ds coverage for telehealth to evaluate, diagnose, treat SUD or *co-occurring* mental/behavioral conditions.

**SUPPORT Act**

- 6-Month In-Person Visit (CAA)
- SUD (SUPPORT)
- 151-Day Extension
- Regular
• SUPPORT Act added SUD coverage
• *Permanent*
• When regular telehealth rules don’t provide coverage, SUPPORT Act allows telehealth to patient 1) at home 2) for SUD or co-occurring mental/behavioral conditions
*Adds* coverage for telehealth to evaluate, diagnose, treat mental/behavioral conditions that don’t co-occur with SUD

**Consolidated Appropriations Act of 2021 (In-Person Visit Requirements)**

- 6-Month In-Person Visit (CAA)
- SUD (SUPPORT)
- 151-Day Extension
- Regular
• Adds coverage on top of regular rules, and even on top of SUPPORT Act for:
  • Telehealth for mental behavioral conditions
  • Home
  • May be audio-only
• **Only when** the service isn’t covered as a ‘regular’ telehealth service:
  • Initial in person visit requirement within 6 months prior to telehealth service, every year (exceptions apply)
Does the 6-Month In Person Visit Apply In These Scenarios?

Learning Through Examples
Examples: Does the 6-Month In Person Visit Requirement Apply?

• Date of service: 12/31/2019 (that’s pre-COVID)

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Location: patient at FQHC clinic in rural Kansas

No – Service is covered as regular telehealth
Examples: Does the 6-Month In Person Visit Requirement Apply?

- Date of service: 12/31/2019 (that’s pre-COVID)

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Location: patient at home in rural Kansas

No – Service is covered as SUD under SUPPORT Act
Examples: Does the 6-Month In Person Visit Requirement Apply?

• Date of service: 7/1/2022

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Location: patient at FQHC in rural Kansas

No – Service is covered as regular telehealth service.
Examples: Does the 6-Month In Person Visit Requirement Apply?

- Date of service: 7/1/2022

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Location: patient at home in rural Kansas

No – Service is covered as regular telehealth service
Examples: Does the 6-Month In Person Visit Requirement Apply?

• Date of service: 7/1/2022

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Location: patient at home in rural Kansas

No – Service is covered as regular telehealth service
Examples: Does the 6-Month In Person Visit Requirement Apply?

- Date of service: 7/1/2022
- Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression
- Location: patient at home in rural Kansas

No – Service is covered as regular telehealth service
Examples: Does the 6-Month In Person Visit Requirement Apply?

• Date of service: 7/1/2022

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Audio-Only Service (patient without ability to connect by video)

Location: patient at home in rural Kansas

No – Service is covered as regular telehealth service
Examples: Does the 6-Month In Person Visit Requirement Apply?

Assume PHE ends 7/15/2022
• Date of service: 8/1/2022
Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression
Audio-Only Service (patient without ability to connect by video)
Location: patient at home in rural Kansas

No – Service is covered as regular telehealth service due to 151-day extension
Examples: Does the 6-Month In Person Visit Requirement Apply?

Assume PHE ends 7/15/2022

• Date of service: 8/1/2023

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Audio-Only Service (patient without ability to connect by video)

Location: patient at home in rural Kansas

Yes – 151-Day Extension would have expired;
Service would not be covered under ‘Regular’ rules because of patient’s home and audio format
Examples: Does the 6-Month In Person Visit Requirement Apply?

Assume PHE ends 7/15/2022

• Date of service: 8/1/2023

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Audio-visual service

Location: patient at FQHC in rural Kansas

No – A/V telecommunications technology; eligible originating site

Service would be covered under regular telehealth rules

No need to rely on CAA; no in-person visit required
Examples: Does the 6-Month In Person Visit Requirement Apply?

Assume PHE ends 7/15/2022

• Date of service: 8/1/2023

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Audio-visual service

Location: patient at FQHC in rural Kansas

No – A/V telecommunications technology; eligible originating site

Service would be covered under regular telehealth rules

No need to rely on CAA or SUPPORT; no in-person visit required
Assume PHE ends 7/15/2022

• Date of service: 8/1/2023

Reason for Telehealth Visit: Patient with SUD receiving treatment for anxiety, depression

Audio-visual service

Location: patient at home

No – A/V telecommunications technology; patient’s home + SUD treatment is covered under SUPPORT Act where no in-person visit is required

*Diagnosis coding
Questions?

Available Through Heartland Telehealth Resource Center for Technical Assistance
htrc@kumc.edu

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