



MassHealth
Managed Care Entity Bulletin 10
January 2019

TO: All MassHealth Managed Care Entities Participating in MassHealth

FROM: Daniel Tsai, Assistant Secretary for MassHealth *DT*

RE: **Access to Behavioral Health Services Through Use of Telehealth Options**

Overview

MassHealth is taking steps to improve access to behavioral health (mental health and substance use disorder) treatment throughout the Commonwealth through the use of telehealth, including teletherapy and telepsychiatry. This bulletin addresses the use of the telehealth modality for the delivery of MassHealth-covered behavioral health services.

Telehealth is the use of electronic communication and information technologies to provide or support clinical care at a distance. The delivery of services through telehealth involves the use of secure interactive audio and video telecommunications systems that permit two-way real-time communication between a patient and a provider.

Telehealth is a modality of treatment, not a separate covered service.

This bulletin does not apply to services under the Children's Behavioral Health Initiative (CBHI) program, which may continue to be delivered via all modalities currently authorized in applicable program specifications.

Terminology

For purposes of this bulletin, following terms are used as defined below.

Distant site is the site where the practitioner providing the service is located at the time the service is provided via a telehealth system. While all applicable licensure and programmatic requirements apply to the delivery of the service, there are no geographic or facility restrictions on distant sites.

Originating site is the location of an eligible member at the time the service is being provided. There are no geographic or facility restrictions on originating sites.

Coverage of Behavioral Health Services Delivered via Telehealth

Effective January 1, 2019, MassHealth managed-care entities, including Managed Care Organizations, Accountable Care Partnership Plans, One Care Plans, Senior Care Options, and the Behavioral Health Vendor (collectively referred to as MCEs), shall allow qualified providers to deliver the following categories of behavioral health services, as set forth in the

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Coverage of Behavioral Health Services Delivered via Telehealth (*cont.*)

applicable covered services lists of the MCE contracts.

- Standard Outpatient Services; and
- Emergency Services Program services

Services delivered via telehealth must comport with all applicable licensure regulations and requirements, programmatic regulations, and performance specifications related to the service.

Providers are not required to deliver services via telehealth. Behavioral health services provided via telehealth, as described in this bulletin, may be provided by any qualified provider, including, as specified in applicable regulations and performance specifications, psychologists, psychiatrists, psychoanalysts, clinical social workers, behavioral health nurses, nurse practitioners, and professional counselors. Additional requirements for provider training is set forth below.

Providers must use a HIPAA-compliant telehealth technology, as specified below, to deliver covered services via telehealth.

Billing and Payment Rates for Behavioral Health Services delivered via Telehealth

MCEs must require providers to include the Place of Service (POS) Code 02 when submitting a claim for services delivered via telehealth.

MCEs shall establish rates of payment for services delivered via telehealth no less than rates of payment for services delivered via traditional (e.g., in-person) methods.

Additional Requirements for Telehealth Prescribing

MCEs must ensure that providers prescribing medications via telehealth as otherwise described in this bulletin do so only in accordance with the following requirements.

1. A provider may prescribe Schedule II controlled substances via telehealth only after conducting an initial in-person examination of the patient.
2. In-person ongoing examinations are required every three months for the duration of time that provider is prescribing the Schedule II controlled substance to the patient. An in-person ongoing examination conducted by a primary care provider may meet the requirement for ongoing examinations as long as the results of the examination are shared with the provider prescribing medication via telehealth.

MCEs must ensure that providers comply with all applicable state and federal statutes and regulations governing medication management and prescribing services when delivering these services via telehealth.

MCEs must ensure that providers who deliver prescribing services via telehealth maintain policies for providing patients with timely and accurate prescriptions by use of mail, phone, e-prescribing and/or fax. MCEs must ensure that providers document prescriptions in the patient's medical record consistent with in-person care.

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Requirements for Telehealth Encounters

MCEs must ensure that providers adhere to and document the following best practices when delivering services via telehealth.

1. Providers must properly identify the patient using, at a minimum, the patient's name, date of birth, and MassHealth ID.
2. Providers must disclose and validate the provider's identity and credentials, such as the provider's license, title, and, if applicable, specialty and board certifications.
3. For an initial appointment with a new patient, the provider must review the patient's relevant medical history and any available medical records with the patient before initiating the delivery of the service.
4. For existing provider-patient relationships, the provider must review the patient's medical history and any available medical records with the patient during the service.
5. Prior to each patient appointment, the provider must ensure that the provider is able to deliver the service to the same standard of care and in compliance with licensure regulations and requirements, programmatic regulations, and performance specifications related to the service (e.g., accessibility and communication access) using telehealth as is applicable to the delivery of the services in person. If the provider cannot meet this standard of care or other requirements, the provider must direct the patient to seek in-person care. The provider must make this determination prior to the delivery of each service.
6. Providers must ensure the same rights to confidentiality and security as provided in face-to-face services.
7. Providers must follow consent and patient information protocol consistent with those followed during in person visits.
8. Providers must inform patients of the location of the provider rendering services via telehealth (i.e., distant site) and obtain the location of the patient (i.e., originating site).
9. The provider must inform the patient of how the patient can see a clinician in-person in the event of an emergency or as otherwise needed.

Training in Use of Telehealth

MCEs must ensure that only behavioral health professionals who have been trained in the provision of services via telehealth, including training in the use of the telehealth equipment, may provide services via telehealth. MCEs must ensure that providers delivering services via telehealth have a training program in place to ensure the competency of all staff members involved in the delivery of services via telehealth.

Training must include:

- Familiarity with telehealth equipment, its operation, and limitations;
- Familiarity with procedures to follow for equipment problems and/or failures;
- Safeguarding the confidentiality and security of telehealth records and compliance with all applicable state and federal laws, including, but not limited to, HIPAA regulations, at both the originating and distant sites; and
- Best practices for clinical work using telehealth technologies, including protocols for clinical risk management.

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Eligible Technologies

MCEs must ensure that all telehealth transmissions are conducted using a HIPAA-compliant telehealth technology. The technology utilized to provide a service via telehealth must conform to industry-wide compressed audio-video communication standards for real-time, two-way, interactive audio-video transmission.

All telehealth sites must have a written procedure detailing the contingency plan in the event of a transmission failure or other technical difficulty that renders the transmission undeliverable.

Telehealth does not include the use, in isolation, of audio-only telephone conversation, electronic mail, instant messaging, phone text, or facsimile transmission.

Documentation

MCEs must ensure that providers delivering services via telehealth meet all health records standards required by the applicable licensing body as well as any applicable regulatory and program specifications required by MassHealth or the MCE. This includes storage, access, and disposal of records.

In addition to ensuring compliance with all applicable requirements pertaining to documentation of services, MCEs must ensure that providers include a notation in the medical record that indicates that the service was provided via telehealth and the physical location of the distant and the originating site in the medical record. The documentation must also include the CPT code for the service rendered via telehealth in the patient's medical record.

MassHealth and the MCEs may audit provider records for compliance with all programmatic and regulatory requirements, including record keeping and documentation requirements, and may apply appropriate sanctions to providers who fail to comply.

MassHealth Website

This bulletin is available on the MassHealth website at www.mass.gov/masshealth-provider-bulletins.

To sign up to receive email alerts when MassHealth issues new bulletins and transmittal letters, send a blank email to join-masshealth-provider-pubs@listserv.state.ma.us. No text in the body or subject line is needed.

Questions

If you have any questions about the information in this bulletin, please contact the MassHealth Customer Service Center at (800) 841-2900, email your inquiry to providersupport@mahealth.net, or fax your inquiry to (617) 988-8974.