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**Virtual Delivery of Services**

Final Guidance for Virtual/Telehealth Delivery of Services

*Revised October 25, 2023*

The U.S. Department of Health and Human Services has announced that the COVID-19 Public Health Emergency (PHE) expired on May 11, 2023. During the PHE, certain service delivery flexibilities were established through Appendix K of the DDS Home and Community Based Waivers – notably the ability to provide certain services through virtual/telehealth modalities. Due to the expiration of the PHE, DDS will phase out these Appendix K flexibilities effective November 12, 2023. Due to this anticipated expiration, DDS has also amended its waivers to allow for the continued use of virtual/telehealth services in certain cases. This document outlines services and activities that will continue to be allowed to be delivered virtually and these policies are effective November 12, 2023.

**What Is Virtual Delivery of Services?**

Virtual service delivery (also known as Telehealth) refers to an electronic method of service delivery. Virtual delivery of services must be delivered using a live, real-time audio and/or visual connection that allows the staff member to both hear and/or see the participant. E-mailing or text messaging does not constitute a virtual service. Allowable virtual services must meet the following standards:

* Services are delivered directly with and to the service recipient using a device, secure video conferencing platform, or apps that allow for customized, individual delivery of supports.
* Services are accessed by activating the connection via an electronic link or pressing a button, the individual has control over accepting or initiating activation and engagement in virtual/telehealth communication.
* Providers are required to have controls in place, through contracts and written policies, to ensure compliance with [DDS’s Use of Technology Policy](https://www.mass.gov/doc/dds-policy-use-of-technology-in-dds-services-2022-01-0/download) and applicable state and federal laws relating to privacy, confidentiality, and information security.

DDS and the ID waivers recognize there is value to providing some direct support services virtually. Below is a listing of those services. Please note that for some services, there are limits in the activities or frequency of virtual delivery.

**Service Planning Process:**

Individuals may choose to receive services through virtual service delivery based on their needs, preferences, and goals as determined during the person-centered planning process and reviewed by the Service Coordinator during each scheduled reassessment.

Virtual services may not be provided solely to due availability of staff at the provider agency or at the discretion of the provider agency without consultation with the individual through the service planning process.

In limited circumstances, individuals may choose to access services virtually due to circumstances that do not allow them access services in-person (ex. inclement weather).

**Service that can no longer be delivered virtually after 11/11/2023:**

**• Community Based Day Supports (3163): DDS utilized virtual delivery of CBDS during the Public Health Emergency to help maintain connections during the pandemic. Providers will be able to continue to offer virtual services until 11/11/23 when the flexibility for virtual delivery in CBDS will end. If an individual continues to be interested in engaging in virtual services once flexibilities have ended, the Service Coordinator/Area office should work with the individual on identifying other services that can meet their goals and be delivered virtually.**

**Services that can be delivered virtually up to 100% of the time:**

* Family Training (3709)
* Peer Support (3716)
* Individual Supported Employment (3168)

The methods and minimum frequency with which participants will receive face-to-face contact to ensure health and welfare should be considered and discussed with the team.

**Services that should be primarily delivered in person:**

* Individualized Day Supports (5704, 6704)
* Individualized Home Supports; In Home Supports (3798, 3703, 5703, 6703)
* Group Supported Employment (3181)
* Behavioral Supports and Consultation (3710, 5710, 5711, 5712)

Virtual services may be used to supplement the scheduled in-person service.

Other:

* Assistive Technology Evaluation and Training (3289): This service may be provided virtually based on the professional judgement of the evaluator and the needs, preferences, and goals of the participant as determined during the person-centered planning process and reviewed by the Service Coordinator/Area Office.
* Home Modifications and Adaptations (5731): The assessment and evaluation of the home safety modifications component of this service may be provided virtually based on the professional judgement of the evaluator and the needs, preferences, and goals of the participant as determined during the person-centered planning process and reviewed by the Service Coordinator/Area Office.

**Billing Process:**

All virtual services must be reported using appropriate attendance codes in the Enterprise Invoice Management (EIM) system. DDS maintains a configuration of separate attendance codes for in-person and virtual services, a summary of these codes is included in Appendix A. When reporting attendance in EIM it is critical that providers select the correct attendance codes reflecting the type of service provided. For services that will no longer allow for virtual delivery, the virtual attendance codes will be de-activated effective November 12, 2023.

Services are reported in fifteen-minute increments and are based on the length of the activity or the length of staff time spent providing a specific service. DDS applies a mid-point methodology for billing services in fifteen-minute increments, i.e., at least 8 minutes of service must be delivered to report an additional fifteen-minute unit.

It should be noted that services that are meant to be provided as 1:1 should continue to be provided as such even in virtual/telehealth delivery.

**Appendix A: Billing for Virtual Services in EIM**

**Attendance Status Code Matrix**

All services must be reported using appropriate attendance codes in EIM based on the modality of service delivery. In-person and virtual attendance status codes are always associated with the same service code; once you select the correct service code you will have the option to select either attendance status code.

Please note that virtual attendance status codes for CBDS may not be used past November 11, 2023 and

will be de-activated effective November 12, 2023.

Table

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