



**EFFECTIVE DATE:** 03|18|2020

**POLICY LAST UPDATED:** 09|8|2020

## OVERVIEW

In adherence with the State of Rhode Island “Fourth Supplemental Emergency Declaration – Expanding Access to Telemedicine Services”, Executive Order 20-06 issued on March 18, 2020 along with the State of Rhode Island Office of Health Insurance Commissioner (“OHIC”) guidance Bulletin 2020-01, entitled “Emergency Telemedicine Measures to Address and Stop the Spread of COVID-19” issued on March 20, 2020, as well as any subsequent orders and/or guidance bulletins, Blue Cross & Blue Shield of Rhode Island (BCBSRI) is implementing several **TEMPORARY** changes to its telemedicine/telehealth policies and allowing for telephone only services while this policy is in effect in an effort to ensure our members are able to access appropriate care from providers while maintaining the health and safety of our members and the overall population.

See Policy Statement below for more details.

There are no changes to current referral requirements.

**This policy is effective for dates of service on or after March 18, 2020. For dates of service prior to March 18, 2020, please refer to the BCBSRI policies that were in effect for prior dates of service.**

Coding aspects of this policy are applicable to BCBSRI participating network providers only.

Please note the benefit aspects of this Policy, such as waiving of member cost share for telemedicine and telephone services applies to BCBSRI participating network providers and participating Blue Cross and Blue Shield plans nationally, e.g. BlueCard providers. Benefit and coding aspects of this Policy do not apply to non-participating providers locally or nationally.

This policy is outside of Chapter 27-81 “The Telemedicine Coverage Act.” of Rhode Island.

BCBSRI reserves the right to implement and revoke this policy without the contractual sixty-day (60) notification for a change in policy that is normally required under BCBSRI contracts with its providers. This would apply both for the effective date, due to the urgent and emergent nature of a pandemic, as well as for the withdrawal of the policy.

**Notice of the implementation, update or withdrawal of this policy will be communicated to BCBSRI providers via a notice on BCBSRI’s provider website/portal under Alerts and Updates.**

**This policy will be in effect through Thursday, December 31, 2020.**

Please Note: All other BCBSRI policies and procedures, and coding and billing requirements continue to remain in place for telemedicine/telehealth and telephone services that are not specifically superseded by this policy. For example, the Non-Reimbursable Health Service Codes policy remains in effect in conjunction with this **TEMPORARY** policy. The Non-Reimbursable Health Service Codes policy outlines CPT and HCPCS codes for services that are covered, but not separately reimbursed (i.e. 99441-99443, 99446-99449). Please refer to the Non-Reimbursable Health Service Codes policy for a full list of services that are not separately reimbursed.

## MEDICAL CRITERIA

Not applicable

## PRIOR AUTHORIZATION

Not applicable

## POLICY STATEMENT

### BlueCHiP for Medicare and Commercials Products

During the timeframe this policy is in effect, BCBSRI will implement several actions to ensure members have appropriate access to care.

The following measures are in place only during the timeframe this policy is in effect:

1. BCBSRI will **TEMPORARILY** allow for all clinically appropriate, medically necessary covered health services to be provided through telemedicine/telephone for all/any health conditions in an effort to reduce the need for in-person treatment and support social distancing efforts, as well as to ensure that providers are able to continue to provide medically necessary and clinically appropriate care during the course of this public health emergency. (For example, a Chiropractor may not bill for manual manipulation services via telemedicine/telephone or a Physical Therapist may not bill for manual therapy services.) This includes all behavioral health outpatient facility-based services including but not limited to early intervention, home and community-based services, applied behavioral analysis, medication assisted treatment services, crisis intervention services, partial hospital programs, and intensive outpatient programs. This is not applicable to behavioral health inpatient and residential treatment services.
2. BCBSRI will reimburse telemedicine/telehealth or telephone only encounters at 100% of the in-office allowable amount for any clinically appropriate, medically necessary covered health service. **NOTE:** Services performed by Advanced Practitioners will be reimbursed at a contracted proportion of the physician fee schedule as is the practice for in-office services in accordance with the related policy, Advanced Practitioners.
3. BCBSRI will **TEMPORARILY** waive cost-share (e.g. co-pays and/or deductibles and co-insurance) for services provided by any provider type listed in this policy that would typically be performed in the office setting and that are clinically appropriate and reasonable to provide via telemedicine/telephone. **NOTE:** Please refer to the Coverage section below for details related to BCBSRI's waiver of subscriber cost share for telemedicine/telehealth or telephone encounters during the timeframe this policy is in effect.
4. BCBSRI will allow the following **provider types** to file for clinically appropriate and medically necessary services using telemedicine/telehealth or telephone only services.

### Medical Professional Provider Types

- Primary care physicians and Advanced Practitioner primary care providers
- All Medical Specialists - defined as any MD, DO, NP and PA
- Optometrists
- Doctors of Podiatric Medicine (DPM's)
- Chiropractors (DC)
- Lactation Consultants
- Physical, Occupational and Speech Therapists
- Diabetes Educators
- Nutritionists
- Midwives
- Urgent Care Centers
- Retail Based Clinics

### **Behavioral Health Professional Providers**

- Clinical nurse specialist
  - Psychiatrist
  - Psychologist
  - Clinical social worker
  - Licensed Marriage and Family Therapist (not allowed for BC for Medicare)
  - Licensed Mental Health Counselor (not allowed for BC for Medicare)
  - Licensed Clinical Dependency Professionals that provide services at a BCBSRI participating behavioral health facility (not allowed for BC for Medicare)
  - Licensed Behavior Analyst (not allowed for BC for Medicare)
5. Following state and federal guidelines, BCBSRI will **TEMPORARILY** waive the requirement, referenced in the Telemedicine/Telehealth Services policy, that the virtual encounter be performed on a HIPAA compliant secure electronic communication platform. Services may be provided via the following non-HIPAA compliant secure electronic communication applications that allow for video chats:
- Apple FaceTime
  - Facebook Messenger video chat
  - Google Hangouts video
  - Skype

**Providers are expected to comply with all federal guidance issued by the U.S. Department of Health & Human Services Office of Civil Rights relating to Telehealth and HIPAA during the COVID-19 nationwide public health emergency (See e.g. <https://www.hhs.gov/sites/default/files/telehealth-faqs-508.pdf>).**

Telemedicine services provided in accordance with this policy are covered when all the following criteria are met:

1. The patient is present/participates at the time of service.
2. Services should be similar to real-time services with a patient.
3. Services must be suitable to provide via telemedicine and/or telephone, or clinically appropriate and medically necessary and otherwise covered under the member's benefit booklet or subscriber agreement.
4. Services must be within the provider's scope of license.
5. A permanent record of the telemedicine or telephone encounter must be documented/maintained as part of the patient's medical record. The documentation in the medical record must also indicate if the service was provided via telephone only or telemedicine.
6. Only the provider rendering services may submit for reimbursement for telemedicine/telephone services.

The following services are excluded from reimbursement:

- Services rendered through email, text or by fax.
- Telemedicine/telephone calls that occur the same day as a face-to-face visit, when performed by the same provider and for the same condition.
- Patient communications incidental to E&M services, including, but not limited to reporting of test results or provision of educational materials.
- Administrative matters, including but not limited to, scheduling, registration, updating billing information, reminders, requests for medication refills or referrals, ordering of diagnostic studies, and medical history intake completed by the patient.
- Telemedicine/telehealth services provided through the following public facing video communication applications (Note: This is not an all-inclusive list):

- Facebook Live
- Twitch
- TikTok
- Any telemedicine/telehealth or telephonic encounter conducted by office staff, RNs, LPNs, etc.
- Any proactive outreach to members who are not in active care by the provider for an acute or chronic condition that requires the intervention of the provider to limit or eliminate the exacerbation of a condition.

**NOTE: BCBSRI reserves the right to audit medical records as well as administrative records related to adherence to all the requirements of this policy, e.g. to verify the nature of the services provided, the medical necessity and clinical appropriateness to provide such service via telemedicine and/or telephone as well as the appropriateness of the level of evaluation and management coding.**

**Documentation must contain the details of the provider-patient encounter. Special focus will be placed on a review to determine that a claim is not billed at a higher-level evaluation and management code/service when a lower level code/service is warranted. For Evaluation & Management services which are coded based on time only, BCBSRI specifically requires that the time spent during the visit be clearly documented in the medical record to substantiate the E & M code billed for that service.**

## **COVERAGE**

Benefits may vary between groups and contracts. Please refer to the appropriate Benefit Booklet, Evidence of Coverage, or Subscriber Agreement for applicable Telemedicine/Telehealth services benefits/coverage.

### **BCBSRI Cost Share Waiver**

BCBSRI will waive all member cost share for BCBSRI subscribers (waiver of the cost share does not apply to BlueCard HOST members/those members of other Blue Cross Blue Shield Plans nationally) for telemedicine/telehealth or telephone services as outlined in this policy, during the time period this policy is in effect. Providers should NOT collect cost share from a member in accordance with this policy.

Please note that BCBSRI self-insured/administrative services only accounts may elect to opt out of this policy and continue to apply subscriber cost share those subscribers covered under their benefit plan. BCBSRI will take all reasonable steps to inform and maintain a listing of those self-insured accounts that opt out of this policy. A listing of such self-insured accounts will be maintained on BCBSRI.com.

## **CODING**

### **BlueCHiP for Medicare and Commercial Products**

To ensure correct claims processing, claims filed in accordance with this policy must adhere to the coding instructions found below. All providers must file the appropriate CPT codes and applicable modifiers for the telemedicine/telehealth or telephone encounter as they would for a traditional face-to-face visit.

Claims may be filed with any code/service that BCBSRI allows a provider type to perform in the office, provided the service represented by that code is clinically appropriate and reasonable to perform via telemedicine/telehealth or telephone.

**Effective 10/1/2020, claims must be filed with ALL the following place of services and modifiers. However, BCBSRI is requesting that providers begin filing the modifier 95 for any audio/visual Telemedicine service regardless of the date of service, as soon as possible e.g. as 09/08/2020 the date BCBSRI provided notification to providers of the need to file modifier 95.**

### **Telemedicine Services (audio and visual)**

- Place of Service (POS) 02: Telehealth: The location where health services and health related services are provided or received, through telehealth telecommunication technology.
- Modifier 95 Synchronous Telemedicine Service Rendered Via a Real-Time Interactive Audio and Video Telecommunications System; AND

- Modifier CR: Catastrophe/Disaster Related

Note: BCBSRI suggests that providers file modifier 95 in the 1<sup>st</sup> modifier position and the CR modifier in the 2<sup>nd</sup> or any subsequent position up until the 4<sup>th</sup> position if there are other nationally accepted correct coding modifiers that need to be submitted on the claim.

### Telephone Only Services

- Place of Service (POS) 02: Telehealth: The location where health services and health related services are provided or received, through telehealth telecommunication technology; AND
- Modifier CR: Catastrophe/Disaster Related

Note: Modifier 95 **should NOT** be submitted as telephone only services are not rendered via a Real-Time Interactive Audio and Video Telecommunications System.

For hospitals, the UB-04 form should be billed with type of bill 013X or 014X (for lab work) with the CR modifier in any position.

### RELATED POLICIES

Advanced Practitioners (Former Title: Mid-Level Practitioners)

Telemedicine/Telehealth Services

**TEMPORARY** Cost Share Waiver for Treatment of Confirmed Cases of COVID-19 During the COVID-19 Crisis

**TEMPORARY** COVID-19 Diagnostic Testing

**TEMPORARY** Encounter for Determination of Need for COVID-19 Diagnostic Testing

**TEMPORARY** Telemedicine/Telehealth and Telephone Preventive Medicine Evaluation and Management Visits and Annual Wellness Visits During the COVID-19 Crisis

**TEMPORARY** Telemedicine/Telehealth and Telephone Services During the COVID-19 Crisis – Effective 3/5/2020 – 3/17/2020

**TEMPORARY** Timely Filing Limit Extension Policy – Additional 180 Days During the COVID-19 Crisis

### PUBLISHED

BCBSRI's website under Alerts and Update

An FAQ document is available on BCBSRI.com

### REFERENCES

Not applicable

**CLICK THE ENVELOPE ICON BELOW TO SUBMIT COMMENTS**

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