

Disclaimer, Information from on this page is compiled in good faith to inform practitioners about some of the changes occurring during the COVID -19 pandemic. Information presented is mainly compiled from the AOTA COVID 19 resources, TBOTE, and linked 3rd party websites included in the description below. The user assumes full responsibility to verifying the accuracy and applicability of the information at the time of use.

ECPOTOE

- Definition- Telehealth--A mode of service delivery for the provision of occupational therapy services delivered by an occupational therapy practitioner to a client at a different physical location using telecommunications or information technology. Telehealth refers only to the practice of occupational therapy by occupational therapy practitioners who are licensed by this Board with clients who are located in Texas at the time of the provision of occupational therapy services. Also may be known as other terms including but not limited to telepractice, telecare, telerehabilitation, and e-health services.
- AOTA “...the application of evaluative, consultative, preventative, and therapeutic services delivered through telecommunication and information technologies” (AOTA Telehealth Position Paper)
- OT and OTAs can provide telehealth following all rules outlined in the ECPTOTE
- Evaluations
 - The occupational therapist is responsible for determining whether any aspect of the evaluation may be conducted via telehealth or must be conducted in person.
 - The occupational therapist must have contact with the client during the evaluation via telehealth using synchronous audiovisual technology or in person. Other telecommunications or information technology may be used to aid in the evaluation but may not be the primary means of contact or communication.
- POC
 - Except where otherwise restricted by rule, the occupational therapy practitioner is responsible for determining whether any aspect of the intervention session may be conducted via telehealth or must be conducted in person.
 - The occupational therapy practitioners must have contact with the client during the intervention session via telehealth using synchronous audiovisual technology or in person. Other telecommunications or information technology may be used to aid in the intervention session but may not be the primary means of contact or communication.

Technology -Waivers

Hippa compliant you still need to follow hipaa privacy law and achieve an informed consent

Health and Human Services

- *Notification of Enforcement Discretion for Telehealth Remote Communications During the COVID-19 Nationwide Public Health Emergency*
- OCR will not impose penalties against covered health care providers for the lack of a BAA (HIPAA business associate agreements (BAAs)) with video communication vendors or any

other noncompliance with the HIPAA Rules that relates to the good faith provision of telehealth services during the COVID-19 nationwide public health emergency.

<https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>

FERPA family education rights of privacy act overseen use department of education

<https://studentprivacy.ed.gov/>

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

https://studentprivacy.ed.gov/sites/default/files/resource_document/file/ferpa%20and%20Coronaviruses%20Frequently%20Asked%20Questions.pdf

Business associate Contact

<https://www.hhs.gov/hipaa/for-professionals/covered-entities/sample-business-associate-agreement-provisions/index.html>

CARES ACT

Coronavirus, Aid, Relief, and Economic Security Act (CARES Act)

- **2.2 trillion CARES Act**
Section 3702 Grants HHS Emergency Authority
- During the emergency-
- CPT therapy telehealth CPT (traditionally) codes were added, but can only be billed by existing telehealth providers (OT and other therapists are not eligible telehealth provider
- Only Existing telehealth providers can provide these services
- (Advocacy opportunity)
- *On April 6, AOTA, along with APTA and ASHA, met with CMS to discuss the CARES Act waiver authority to expand the list of telehealth eligible professionals and implore CMS to allow OTs, PTs, and SLPs to perform telehealth immediately amid the COVID-19 PHE. CMS responded during that meeting, as well as on several CMS National Provider Calls since then, that they are reviewing and considering how best to use the waiver authority that was granted through the CARES Act. AOTA also responded to CMS' requests for additional information by identifying how occupational therapy practitioners use telehealth and recommending additional CPT® codes to the ones listed in the IFR. 60 day comment period closing on June first*
- No SNF Part A telehealth provision

Home Health

- Recertification /Certification Physician Assistance and Nurse practitioner

- Permanent change

Access to Post Acute Care

- Waives the “3 hour” rule for admission to an inpatient rehab facility
- Prior to patients had to tolerate 3hr/day/5x a week. To be admitted to inpatients
- 3 Day rule waived- previously requires patients be in acute care for 3 days to qualify for Medicare part A stay in a SNF

HOME HEALTH 4-9-20

- **Allow occupational therapists (OTs) to perform initial and comprehensive assessment for all patients.** 42 C.F.R. 484.55(a)(2) and 484.55(b)(3). CMS is waiving the requirement that OTs may only perform the initial and comprehensive assessment if occupational therapy is the service that establishes eligibility for the patient to be receiving home health care. This temporary blanket modification allows OTs to perform the initial and comprehensive assessment for all patients receiving therapy services as part of the plan of care, to the extent permitted under state law, regardless of whether occupational therapy is the service that establishes eligibility. The existing regulations at § 484.55(a) and (b)(2) would continue to apply that OTs and other therapists would not be permitted to perform assessments in nursing only cases. We would continue to expect HHAs to match the appropriate discipline that performs the assessment to the needs of the patient to the greatest extent possible. Therapists must act within their state scope of practice laws when performing initial and comprehensive assessments, and access a registered nurse or other professional to complete sections of the assessment that are beyond their scope of practice. Expanding the category of therapists who may perform initial and comprehensive assessments to include OTs provides HHAs with additional flexibility that may decrease patient wait times for the initiation of home health services.

Texas

Applied for and received 1135 waivers flexibilities

Included Fair Hearing Extension time

- Guidance for MCO’s regarding extension for prior authorizations

Anecdotally

- Modifier 95 Synchronous telemedicine service rendered via a real-time interactive audio and video telecommunications system
- I would recommend you call your specific MCO in your area and ask the questions that pertain to the members plan and for your service area.

Insurance companies have many published updated bulletins

Tricare

- March 18th 2020
- ****Update:** If a beneficiary meets all other criteria for a covered service for speech therapy and for continuation of PT/OT, (but not initiation of PT/OT), it is covered using telemedicine, using any coding modifiers as you would for a TRICARE network provider office visit.
- <https://www.humanamilitary.com/provider/education-and-resources/quick-access/policy-updates-and-alerts/COVID-19-telemedicine-031320>
-
- COVID-19 Physical, Occupational and Speech Therapy Telehealth
- Last update: April 13, 2020, 8:30 a.m. CDT
- UnitedHealthcare will reimburse physical, occupational and speech therapy telehealth services provided by qualified health care professionals when rendered using interactive audio-visual technology for Medicare Advantage, Medicaid, and Individual and fully insured Group Market health plan members. State laws and regulations apply. Benefits will be processed in accordance with the member's plan.
- This change is effective for dates of service from March 18, 2020 until June 18, 2020.
- Cost sharing will be waived for in-network telehealth services for PT/OT/ST services for Medicare Advantage, Medicaid, Individual and fully insured Group Market health plan members, with opt-in available for self-funded employers.
- <https://www.uhcprovider.com/en/resource-library/news/Novel-Coronavirus-COVID-19/covid19-telehealth-services/covid19-telehealth-pt-ot-st.html>

Cigna

- Allowed through May 31, 2020 •
- Use modifier GQ, standard place of service • Code Description 97165 OT eval low complex 30 min (Telephonic or virtual) 97166 OT eval mod complex 45 min (Virtual) 97110 Therapeutic exercises (2 unit limit)
- <https://static.cigna.com/assets/chcp/resourceLibrary/medicalResourcesList/medicalDoingBusinessWithCigna/medicalDbwcCOVID-19.html>

Aetna

- G2061, G2062, G2063 - Qualified nonphysician healthcare professional online assessment, for an established patient, for up to seven days, cumulative time during the 7 days; 5-10 minutes; 11 – 20 minutes; or 21 or more minutes 98966, 98967, 98968 - Telephone assessment and management service provided by a qualified nonphysician health care professional to an established patient, parent, or guardian not originating from a related assessment and management service provided within the previous 7 days nor leading to an assessment and management service or procedure within the next 24 hours or soonest available appointment; 5-10; 11-20; or 21-30 minutes of medical discussion.

- https://www.aetna.com/health-care-professionals/provider-education-manuals/covid-faq.html#acc_link_content_section_responsivegrid_copy_responsivegrid_accordion_1_0

Division of Workers Compensation

4/13/20 – adopting new rules on an emergency basis for telemedicine place of service- 02 published in the Texas register on 4/24/20

Advocacy Letter

<https://www.aota.org/Advocacy-Policy/Federal-Reg-Affairs/News/2020/Telehealth-Comment-Letters-CMS-Expansions.aspx>

Coming back to the Cares Act

Direct Payment one time to individuals

Small Business Paycheck Program

- Loans are thru the SBA for less than 500 employees
- Feb- June 30th
- Independent Contractors, sole proprietors and eligible self employed individuals are eligible
- Must provide documentation, including Forms 1099-MISC, as determined necessary
- Must follow same PPP requirements as other companies
- Some requirements and guidance is available at SBA

https://www.sba.gov/sites/default/files/2020-04/SBA%20IFR%2020_1.pdf

SBA Loan forgiveness

- Payroll 100k per person other expense rent – mortgage, utilities ect
- **For full loan forgiveness you must have no employee-based reduction**
- **Partial forgiveness – based on**
- **Apply thru your private lenders until June 30th**
- **There is no deadline to apply for loan forgiveness and lenders must make a**
- **qualification determination within 60 days of receiving an application**

100b public health emergency fund

Grants to health care providers

- **CMS 30 B to providers MDCR/MDCD funding**
- **Forgone revenue from cancelled procedures, which has put significant strain on the health care system, is also a qualified expense...**
- In Texas, 24,307 providers have been paid a total of \$2,089,066,452

Tips to practice – liability check with your insurance when in doubt, you are liable for everything that you see and everything that you do not see in the camera view.

Assessments – guidance from the publisher regarding the e-helper of originating site helper

General Resources

American Telemedicine association

<https://www.americantelemed.org/>

Center for Connected Health Policy (the national telehealth policy resource center)

National Consortium of telehealth resources

<https://www.telehealthresourcecenter.org/>

Tex La region

<https://texlatrc.org/>

telemedicine update every Wednesday 10am , and Thursday 1 pm

Medicare Fee-For-Service Providers telehealth services

<https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/Telehealth-Services-Text-Only.pdf>

The National Telehealth Technology Assessment Resource Center

<http://telehealthtechnology.org/>

Telemedicine toolkit

<https://healthsectorcouncil.org/wp-content/uploads/2018/08/AHIMA-Telemedicine-Toolkit.pdf>

telehealth etiquette checklist

<https://www.telehealthresourcecenter.org/wp-content/uploads/2019/07/Telehealth-Etiquette-Checklist.pdf>

Teleshealth share

<https://telehealthshare.com/>

Guidance on Special Education services during the Corona Virus Outbreak

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>

OT Telehealth Decision Guide

<https://www.aota.org/~media/Corporate/Files/Practice/Manage/Occupational-Therapy-Telehealth-Decision-Guide.pdf>

Pearson's guidance on Assessment

<https://www.pearsonassessments.com/professional-assessments/digital-solutions/telepractice/products.html>

http://www.tmhp.com/News_Items/2020/04-April/04-14-20%20Claims%20for%20Telehealth%20Service%20for%20Occupational,%20Physical,%20and%20Speech%20Therapy.pdf