



July 29, 2020

HHS RENEWS COVID-19 PUBLIC HEALTH EMERGENCY DECLARATION

Last week, the U.S. Department of Health and Human Services announced that it has renewed the COVID-19 public health emergency for an additional 90 days, until October 23, 2020. As a result, the following waivers and/or relaxations will be extended at least through October 23, 2020.

Medicare/Medicaid

- Telehealth will still be permitted in the private home of a Medicare or Medicaid beneficiary during the public health emergency.
- During the public health emergency, continue to use Place of Service Code 11 (Office/Outpatient) to indicate the provision of a service that would have taken place in an office setting were it not for the public health emergency. Please contact any commercial plans or Medicaid managed care plans individually to confirm their policies with regard to Place of Service Codes.
- The Medicare and Medicaid program will continue to provide reimbursement for audio-only telephone evaluation and management (E/M) services during the public health emergency.

HIPAA

- HHS will continue its enforcement discretion of the HIPAA security rule in connection with the good faith use of telehealth communication services that are not HIPAA compliant. Providers may continue to use certain non-public facing remote communications products, including Apple FaceTime, Google Hangouts, Whatsapp, Zoom, and Skype during the public health emergency.

Controlled Substances

- During the public health emergency, the DEA will continue to waive the requirement for an in-person exam prior to prescribing of a controlled substance.
- During the public health emergency, the DEA will continue to waive the requirement to maintain a DEA registration in each state where a provider prescribes controlled substances.

Please keep in mind that the extension of the federal public health emergency will not impact state laws or regulations currently in place regarding licensure and/or the provision of telehealth by out-of-state physicians. Please continue to check with individual states or other information resources to confirm state-specific waivers or requirements. State-by-state guidance is available on the APA website at:

<https://www.psychiatry.org/psychiatrists/covid-19-coronavirus/practice-guidance-for-covid-19>

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