



March 13, 2020

This E-Bulletin is intended to provide NYSPA members with information regarding the use of telemedicine for patients who are unable or unwilling to come to the office due to the ongoing COVID-19 crisis.

This afternoon, President Trump declared a national emergency and confirmed that Health and Human Services Secretary Azar has been granted the authority to waive existing laws to enable the provision of telemedicine services across the country. We await additional information from CMS, particularly regarding the lifting of current Medicare restrictions on the provision of telemedicine in a patient's private home.

In addition, earlier today Governor Cuomo issued Executive Order No. 202.1 declaring a State disaster emergency and relaxing state requirements for the provision of telemedicine, as follows:

Section 2999-cc of the Public Health Law and any regulatory provisions promulgated thereunder by the Department of Health, the Office of Mental Health, the Office of Addiction Services and Supports, and the Office for People with Developmental Disabilities, to the extent necessary to allow additional telehealth provider categories and modalities, to permit other types of practitioners to deliver services within their scopes of practice and to authorize the use of certain technologies for the delivery of health care services to established patients, pursuant to such limitations as the commissioners of such agencies may determine appropriate;

New York State will also be liberalizing rules and requirements for the provision of telemedicine services to Medicaid beneficiaries. Further guidance is expected shortly.

At this time, with respect to commercial insurance carrier and private pay treatment, there is no restriction on the provision of telemedicine in private homes. As many members are aware, several years ago, New York State enacted legislation requiring health insurers to provide coverage and reimbursement for services provided via telemedicine where the service is otherwise covered under a health insurance policy.

Please keep in mind that telemedicine services must be provided using HIPAA-compliant software that provides two-way, real-time interactive communication. Approved telemedicine services are considered face-to-face

and may be billed using the same CPT codes customarily used for in-person psychiatric services. We have been advised that private practitioners (not those working in Article 28 or Article 31 settings) should indicate the provision of services via telemedicine by using place of service code 02.

We will provide additional updates as more information is made available.

We would like to make members aware that DrFirst, NYSPA's endorsed electronic prescribing software vendor, offers Backline, a telemedicine product that may be of assistance to private practitioners. Backline is available at a \$300 annual subscription. DrFirst has assured us that the software product complies with all applicable regulations, including HIPAA. Additional information about Backline is available through the below links.

<https://go.drfirst.com/hubfs/Backline/Backline-Overview-Telehealth.pdf>

Product Demo: [Click Here](#)

If you are interested in purchasing or would like additional information about Backline please call 518-926-0207. Please mention that you are a NYSPA member when calling.

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