

2020 UPDATE

Regulatory Support for Remote Care



REGULATORY SUPPORT FOR THE FUTURE OF REMOTE CARE

Health delivery models are moving heavily into the home care space. The demand for expanded in-home care through remote devices is growing annually at exponential rates. Federal funding bodies have not quite caught up with this phenomenon, but did make some welcome regulatory changes in 2019 and 2020. Health delivery organizations and health tech companies looking to enter the remote health ecosystem must understand the way federal entities define and fund telehealth, telemedicine and remote patient monitoring.

DEFINITIONS: TELEHEALTH VS. TELEMEDICINE VS. REMOTE PATIENT MONITORING

- ◆ **Telemedicine**
 - ◇ Telemedicine refers to the use of telecommunications technology to provide clinical services to patients
- ◆ **Telehealth**
 - ◇ The definition of telehealth is much broader than the definition of telemedicine
 - ◇ Telehealth refers to remote clinical services (telehealth) as well as remote non-clinical services such as provider training and medical education.
- ◆ **Remote Patient Monitoring (RPM)**
 - ◇ RPM is a type of telehealth delivery system that uses technology to gather patient data outside of a traditional clinical setting
 - ◇ Examples include peripheral devices such as blood pressure cuffs and glucose monitors which gather data from the

WHAT CHANGED FOR 2020

- ◆ **Technology Requirements**
 - ◇ RPM does not require the use of interactive audio-video
- ◆ **Time Requirement**
 - ◇ CPT 99457 requires at least 20 minutes per calendar month. This differs from CPT 99091 which required at least 30 minutes per 30-day period. This change is significant because time will now be tracked based on a calendar month and reimbursed on a monthly basis making it easier to manage claim submission.
- ◆ **Service Delivery**
 - ◇ CPT 99457 allows RPM services to be performed not only by the physician or qualified healthcare professional, but also by "clinical staff," such as RNs and medical assistants (subject to state law scope of practice and state law supervision requirements). CPT code 99091 was limited to physicians and qualified healthcare professionals only.
- ◆ **Geographic Restrictions**
 - ◇ RPM is not considered a Medicare Telehealth Service. Because these services are not defined as telehealth, they are not limited by geographic and originating site restrictions. This change allows for patients to receive RPM services in their home.

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Laws on the Books



NEW FEDERAL REGULATIONS

- ◆ **2020 Physicians Fee Schedule**
 - ◇ Final Rule published on November 1, 2019
 - ◇ Adds three new opioid treatment telehealth codes for Medicare reimbursement
- ◆ **2020 Medicare Advantage and Part D Flexibility Rule**
 - ◇ Final Rule published on April 5, 2019
 - ◇ Allows Medicare advantage plans to offer additional telehealth benefits as part of their basic benefits



PENDING FEDERAL LEGISLATION

- ◆ **CONNECT Act of 2019**
 - ◇ Introduced on October 31, 2019
 - ◇ Would allow restrictions for telehealth reimbursement (e.g. geographic location, types of services, etc.) to be waived
 - ◇ Would allow the home to serve as an originating site for telehealth services
- ◆ **Telemental Health Expansion Act**
 - ◇ Introduced on November 20, 2019
 - ◇ Would eliminate geographic requirements for telemental health services and would allow the home to serve as an originating site for these services

STATE LAWS ON REMOTE PATIENT MONITORING

Currently, 13 states have laws requiring coverage of remote patient monitoring services.



OTHER STATE LAWS

Many states have passed laws to expand reimbursement for Medicaid and private insurers. For example, California passed a comprehensive payment parity law, and several states mandated coverage for treatment of mental health and substance abuse disorders.



NEW CPT CODES

The American Medical Association added six new CPT codes for virtual visits in their 2020 edition of the Current Procedural Terminology code set. Three additional codes were added to support remote patient monitoring as well. **See page 3 for more information.**



THE SUPPORT ACT

Although this Act was passed in October 2018, several important telehealth provisions in the Act became effective in 2019, including the removal of geographic limitations for individuals receiving treatment for substance use disorders through telehealth.

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CPT Codes for RPM



REMOTE PATIENT MONITORING AND MEDICARE REIMBURSEMENT

RPM services are technically not considered a Medicare telehealth service, as such, Medicare pays for RPM services with no additional requirements regarding originating sites or use of the telehealth place of service code. RPM services do not require the use of interactive audio-video, nor must the patient be located in a rural area. The patient can even receive RPM services in their home. Medicare already offered separate reimbursement for RPM services under CPT code 99091. This code did not adequately describe RPM services, nor did it provide adequate reimbursement. Recognizing this, the Centers for Medicare & Medicaid Services (CMS) introduced the three new codes for RPM services in 2019.

NEW MEDICARE RPM CODES

- ◆ **CPT Code 99453**
 - ◇ "Remote monitoring of physiologic parameter(s) (e.g., weight, blood pressure, pulse oximetry, respiratory flow rate), initial; set-up and patient education on use of equipment." Covers reimbursement for initial set-up and patient education on the use of equipment for the remote monitoring of physiologic factors like weight, blood pressure, pulse oximetry, and respiratory flow rate.
- ◆ **CPT Code 99454**
 - ◇ "Remote monitoring of physiologic parameter(s) (e.g., weight, blood pressure, pulse oximetry, respiratory flow rate), initial; device(s) supply with daily recording(s) or programmed alert(s) transmission, each 30 days." Covers reimbursement for initial supply and daily recording or programmed alert transmission for a 30-day period for remote devices measuring the same physiologic factors as code 99453.
- ◆ **CPT Code 99457**
 - ◇ "Remote physiologic monitoring treatment management services, 20 minutes or more of clinical staff/physician/other qualified healthcare professional time in a calendar month requiring interactive communication with the patient/caregiver during the month." Covers reimbursement for remote monitoring and management of physiologic conditions, including 20 minutes or more per month of staff time requiring interactive communication with the patient or caregiver.

NEW CPT CODES FROM THE AMA

- ◆ **CPT Codes 99421, 99422, and 99423**
 - ◇ Online digital evaluation and management service, for an established patient, for up to 7 days, cumulative time during the 7 days
 - ◇ Which of the three codes to use is determined by the amount of time the service takes (5-10 minutes, 11-20 minutes, over 20 minutes)
- ◆ **CPT Codes 98970, 98971, and 98972**
 - ◇ Qualified nonphysician health care professional online digital evaluation and management service, for an established patient, for up to 7 days, cumulative time during the 7 days
 - ◇ Which of the three codes to use is also determined by the amount of time that the service takes (5-10 minutes, 11-20 minutes, over 20 minutes)

