

## 1-006 TELEHEALTH SERVICES FOR PHYSICAL AND BEHAVIORAL HEALTH SERVICES

### 1-006.01 Definitions

Child: An individual under 19 years of age.

Distant Site: The distant site is the location of the provider of the telehealth service.

Health Care Practitioner: A health care practitioner who is a Nebraska Medicaid-enrolled provider and who is licensed, registered or certified to practice in this state by the Department of Health and Human Services.

H.320: H.320 means the industry-wide compressed audio video communication standard from the International Telecommunications Union (ITU) for real time, two-way interactive audio video transmission with a minimum signal of 384 kbps (kilobits per second) over a dedicated line; this may include a switched connection.

H.323: H.323 means the industry-wide compressed audio video communication standards from the ITU for real time, two-way interactive audio video transmission with a minimum signal of 384 kbps over an intranet or other controlled environment system and compliant with FIPS 140-2.

Originating Site: The originating site is the location of the client at the time of the telehealth service.

Telehealth Services: Medicaid-covered services delivered by a health care practitioner that utilize an interactive audio and video telecommunications system that permits real-time communication between the health care practitioner at the distant site and the client at the originating site. Telehealth services do not include a telephone conversation, electronic mail message, facsimile transmission between a health care practitioner and a client, a consultation between two health care practitioners and asynchronous "store and forward" technology.

1-006.02 Health care practitioners providing telehealth services must follow all applicable state and federal laws and regulations governing their practice and the services they provide.

1-006.03 Originating Sites: Health care practitioners must assure that the originating sites meet the standards for telehealth services. Originating sites must provide a place where the client's right for confidential and private services is protected. Services provided by means of telecommunications technology, other than telehealth behavioral health services received by a child, are not covered if the child has access to a comparable service within 30 miles of his or her place of residence.

1-006.04 Informed Consent: Before an initial telehealth service, the health care practitioner shall provide the client the following written information which must be acknowledged by the client in writing or via email:

1. Alternative options are available, including in-person services, and these alternatives are specifically listed on the client's informed consent statement;
2. All existing laws and protections for services received in-person also apply to telehealth, including:
  - a. Confidentiality of information;
  - b. Access to medical records; and
  - c. Dissemination of client identifiable information;
3. Whether the telehealth session will be or will not be recorded;
4. The client has a right to be informed of all the parties who will be present at each telehealth session and has the right to exclude anyone from either the originating or the distant site;
5. For each adult client or for a client who is a child but who is not receiving telehealth behavioral health services, a safety plan must be developed, should it be needed at any time during or after the provision of the telehealth service. This plan shall document the actions the client and the health care practitioner will take in an emergency or urgent situation that arises during or after the telehealth service;
6. For each client who is a child who is receiving telehealth behavioral health services:
  - a. An appropriately trained staff member or employee familiar with the child's treatment plan or familiar with the child shall be immediately available in person to the child receiving a telehealth behavioral service in order to attend to any urgent situation or emergency that may occur during provision of such service. This requirement may be waived by the child's parent or legal guardian. The medical record shall document the waiver.
  - b. In cases in which there is a threat that the child may harm himself or herself or others, before an initial telehealth service the health practitioner shall work with the child and his or her parent or guardian to develop a safety plan. Such plan shall document actions the child, the health care practitioner, and the parent or guardian will take in the event of an emergency or urgent situation occurring during or after the telehealth service. Such plan may include having a staff member or employee familiar with the child's treatment plan immediately available in person to the child if such measures are deemed necessary by the team developing the safety plan;
7. The written consent form shall become a part of the client's medical record and a copy must be provided to the client or the client's authorized representative;
8. If the client is a child or otherwise unable to sign the consent form, the client's legally authorized representative shall provide the consent; and
9. When telehealth services are provided in an emergency situation, the health care practitioner shall obtain a signed consent form within seven days of the provision of the emergency telehealth services.

1-006.05 Telecommunications Technology: Medicaid coverage is available for telehealth services and transmission costs when, at a minimum, the H.320 or H.323 audio video standards are met or exceeded for clarity and quality.

1. The telehealth technology solution in use at both the originating and the distant site must be sufficient to allow the health care practitioner to appropriately complete the service billed to Medicaid. These same standards apply to any peripheral diagnostic scope or device used during the telehealth session.
2. Coverage is available for teleradiology services when the services meet the American College of Radiology standards for teleradiology.

1-006.06 Reimbursement of Telehealth Services: Telehealth services are reimbursed by Medicaid at the same rate for the service when it is delivered in person.

1-006.07 Reimbursement of Transmission Costs: Transmission cost rates are set forth in the Medicaid fee schedule and include reimbursement for all two-way, real-time, interactive communications, unless provided by an Internet service provider, between the client and the physician or health care practitioner at the distant site which comply with the federal Health Insurance Portability and Accountability Act of 1996 and rules and regulations adopted thereunder and with regulations relating to the encryption adopted by the federal Centers for Medicare and Medicaid Services and which satisfy federal requirements relating to efficiency, economy and quality of care.

1-006.08 Out-of-State Telehealth Services are covered:

1. When the distant site is located in another state and the originating site is located in Nebraska if the requirements listed in the regulations at 471 NAC 1-002.02G are met.
2. When the Nebraska client is located at an originating site in another state, whether or not the provider's distant site is located in or out of Nebraska if the requirements listed in the regulations at 471 NAC 1-002.02G are met.

1-006.09 Documentation: The medical record for telehealth services must follow all applicable statutes and regulations on documentation. The use of telehealth technology must also be documented in the same medical record, and must include the following telehealth information:

1. Documentation of which site initiated the call;
2. Documentation of the telecommunication technology utilized (e.g. real-time two-way interactive audio-visual transmission via a T1 Line); and
3. The time the service began and ended.