Governor DeWine signed an executive order yesterday (EO 2020-29D), which allowed the Ohio Department of Medicaid to immediately rescind the old provisions and file a new rule (5160-1-18) and the Ohio Department of Mental Health and Addiction Services to amend their current rule (5122-29-31), both expanding telehealth and introducing even more flexibility into the healthcare system. Both rules will expire on November 14, 2020, unless adopted through the normal JCARR process. Below will address the major provisions of each separately, but in general if a service does not have some type of in-person requirement (surgery, procedure, test), then it most likely appropriate to conduct via telehealth.

Ohio Department of Medicaid – 5160-1-18

- Telehealth can either be:
  - Synchronous, interactive, real-time electronic communications using both audio and video; or
  - Asynchronous activities that do not have both audio and video (calls, emails, images through fax)
- Patient site and practitioner site – the physical location of each at the time of service
- Eligible Providers – as it relates to nurses:
  - Clinical nurse specialist, certified nurse-midwife, certified nurse practitioner, and private duty registered nurse or licensed practical nurse in a home health or hospice setting are eligible provide telehealth services reimbursable my Medicaid
- Provider types eligible to bill for services rendered through Telehealth
  - Any practitioner
  - Professional medical group
  - Professional dental group
  - FQHC/RHC
  - Ambulatory health care clinics
  - Outpatient hospitals
  - Private duty nurses
  - Home health and hospice agencies
  - Behavioral health providers
- Requirements
  - Must comply with current HIPAA guidance from Office of Civil Rights
  - Practitioner site responsible for maintaining appropriate documentation
  - Patient and practitioner sites should be consistent with CPT and HCPCS guidelines for the service being provided
- Payment may be made for all of the following services in the appendix here.
- Claims should be submitted in accordance with Telehealth billing guidance and those detailed provisions in subparagraph (E) of this new rule

Ohio Department of Mental Health and Addiction Services

- Telehealth means real-time audiovisual communications with quality to permit accurate and meaningful interactions and includes asynchronous modalities that do not have both audio and video elements.
• Originating site (client) and distant site (provider) are where each are located at the time of service
• No initial in person visit is necessary to initiate services using telehealth
• Prior to initiating services a provider must inform the patients of potential risks of telehealth and document that patient understood and agrees to those risks (clinical aspects, security considerations and confidentiality considerations)
• Services:
  o General services
  o CPST
  o Therapeutic behavioral services and psychosocial rehabilitation
  o Peer recovery
  o SUD case management
  o Crisis intervention
  o ACT
  o IHBT
• Provider must have a physical location in Ohio or have access to a physical location in Ohio where individuals may opt to receive services that are being provided by telehealth modalities