



**CALIFORNIA
MEDICAL
ASSOCIATION**

Telehealth Post COVID

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April 1, 2021



Disclaimer



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2020: Historic Gains in Telehealth



Medicare telehealth expansion

- Payment parity
- Expanded number of services
- Audio-only (telephone)
- Waiver of Originating Site rules and rural restrictions



2020: Historic Gains in Telehealth



State payment parity rules

- Department of Health Care Services (Medi-Cal)
- Department of Managed Health Care
- California Department of Insurance
- Division of Workers Compensation

2020: Historic Gains in Telehealth



CMA Physician Survey (October 2020)

- + 64% of physicians have implemented telehealth during pandemic
- + 57% average increase in telehealth visits
- + 68% of physicians report patient experience is “Very Good” or “Good”



Telehealth in 2021



Focus on making telehealth gains permanent

- CMA working in Sacramento & Washington to cement gains made during the pandemic
- Implement lessons learned from the last 10 months to ensure that telehealth enhances the physician-patient relationship

Telehealth Policy in Sacramento



Assembly Bill (AB) 744 (Aguiar-Curry, 2019)



- CMA-sponsored; Signed into law in 2019
- Took effect January 1, 2021
- Requires commercial payor contracts issued or renewed after 1/1/21 must pay telehealth visits at parity with in-person visits
- Excludes Medi-Cal managed care

Assembly Bill (AB) 32 (Aguiar-Curry)



- Introduced December 7, 2020
- Makes payment parity apply to commercial contracts (not just new/renewed ones)
- Enforces payment parity on Medi-Cal Managed Care
- Clarifies in law that telehealth includes the telephone



Broadband

- SB 4 (Gonzalez)
- SB 22 (Glazer)
- SB 28 (Caballero)
- AB 34 (Muratsuchi)
- AB 41 (Wood)
- ACA 1 (Aguiar-Curry)

DHCS Telehealth Proposal



- Good: Extends payment parity rules to Medi-Cal managed care for synchronous videoconference telehealth
- Bad: Proposes to create a separate (presumably lower) fee schedule for telephone, asynchronous, and remote patient monitoring



Key Dates



- January 8, 2021: Introduction of Governor's Budget
- February 19: Bill Introduction Deadline
- June 30: Last Day for Governor to sign State Budget
- September 10: Last Day of Session

DC Telehealth Policy



Medicare = Many Moving Pieces



1. New President: Joe Biden
2. New Secretary of Health & Human Services: Xavier Becerra
3. Public Health Emergency: In effect until April 21, 2021 (likely to be renewed)

Medicare



- Medicare telehealth waivers & flexibilities are tied to the public health emergency (PHE)
- As long as it is in place, nothing changes
- Question is what happens if and when the PHE ends
- Keeping many of the telehealth flexibilities would take congressional action

Likely Congressional Action



S 4375 and HR 8727 (116th Congress)

- Make permanent the originating site waiver
- Retain additional services & create process for adding new services
- Allow FQHCs & RHCs to provide telehealth



OCR Notice of Enforcement Discretion



- Allows physicians to use commercial communications platforms for telehealth
- FaceTime, Skype, Google Hangouts Video, Zoom
- Under normal rules, these platforms would not be considered HIPAA-compliant
- **Very likely will not be kept in place at the end of the PHE**

OCR Notice of Enforcement Discretion



Implications for physicians if the Notice of Enforcement Discretion is not renewed:

- Either determine if your platform has a HIPAA-compliant version (Zoom for Healthcare, e.g.) or
- Select a different platform (<https://bit.ly/CMATelehealth5>)





Questions?

Next Webinar



- Telehealth Town Hall
- Thursday, April 8, 2021 from 12:15-1:15 p.m. PT
- Information & registration: CMAdocs.org/events

CMA Telehealth Resource Center



<https://www.cmadoocs.org/telehealth/resources>

CME: COVID Virtual Grand Rounds



- GOAL: Brief clinicians (e.g., front line physicians, nurse practitioners or physician assistants) on the evolving nature of COVID-19 patient management
- Free, monthly & CME-eligible
- cmadocs.org/covidroundsca



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