

Telehealth Opportunities and Challenges During the COVID-19 Public Health Emergency

(Virtual Forum)
April 1, 2020

Presented by:

Partnership for a Connected Illinois
broadbandillinois.org



faegre
drinker

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Connected Health Initiative

Illinois Association of Healthcare Attorneys
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Illinois Medical District

Agenda

12:00 – 12:20:

Welcome and Overview

Nancy Kaszak: Director of the Illinois Telehealth Initiative at Partnership for a Connected Illinois
Keynote Speaker: Suzet McKinney, DrPH, MPH, CEO, Illinois Medical District

12:20 – 1:05:

Update on changes in Federal and State law facilitating the delivery of Telehealth Care During the Emergency Declaration

Moderator: Catherine Pugh, Assistant VP, Policy, eHealth Initiative & Foundation
Speakers: Jen Breuer, Partner, Faegre Drinker
Sheryl Dacso, DrPH, Partner, Seyfarth Shaw
Joel White, Executive Director, Health Innovation Alliance

1:05 – 1:50:

Perspectives from the Front Line

Moderator: Megan Herber, Faegre Drinker
Speakers: Prentiss Taylor, M.D., Doctor on Demand
Rohit Malhotra, Vice President, Business Development & Legal, GoodRx
Hema Trukenbrod, CEO, PediaSource

1:50 - 2:35:

What State and Private Payers are Doing to encourage Telehealth Use

Moderator: Ann Ford, Partner, Hall Prangle Schoonveld
Speakers: Salma Khaleq, VP, Network Management, BCBS-IL
Margaret Kirkegaard, MD, MPH, Principal, Health Management Associates
Lisa Mazur, Partner, McDermott Will & Emery
Kim McCullough, Deputy Director of Community Outreach, Illinois Department of Healthcare and Family Services

2:35 – 2:45:

Q&A/Close

With you today:



Jennifer Breuer
Partner
Faegre Drinker



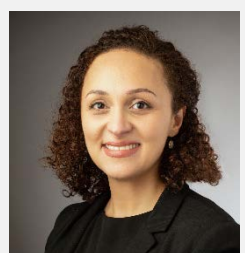
Sheryl Dacso
DrPH, Partner
Seyfarth Shaw



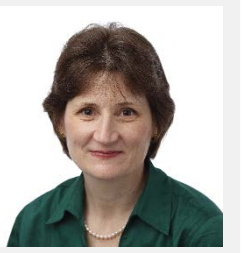
Ann Ford
Partner
Hall Prangle
Schoonveld



Megan Herber
Director
Faegre Drinker



Salma Khaleq
VP, Network
Management
Blue Cross Blue
Shield, Illinois



Margaret Kirkegaard
Principal
Health
Management
Associates



Rohit Malhotra
VP, Business
Development
& Legal
GoodRx



Lisa Mazur
Partner
McDermott Will &
Emery



Kim McCullough,
Deputy Director,
Community
Outreach, Illinois
Department of
Healthcare and
Family Services



Suzet McKinney
MPH, DrPH,
CEO
Illinois Medical
District



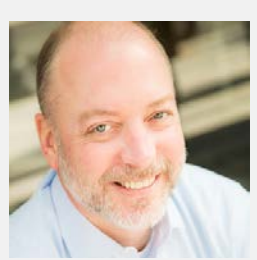
Catherine Pugh
Assistant VP
eHealth Initiative
& Foundation



Prentiss Taylor,
M.D.
VP, Medical
Affairs
Doctor on
Demand



Hema Trukenbrod
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Joel White
Executive
Director
Health Innovation
Alliance

Continuing Education

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This program is approved for CLE credit in the following states:

Pennsylvania – 2.5 substantive, distance credit

New Jersey – 3.0 live credit

New York – 2.5 professional practice credit (transitional and non-transitional credit, approved for newly admitted attorneys)

California – 2.5 general credit

Texas – 2.5 general credit

Illinois – 2.5 general credit

Connecticut – 2.5 general credit

We have applied for credit in the following states: Delaware, Colorado, Iowa, Minnesota Indiana, and Virginia.

We have applied for SHRM and HRCI credit for this program as well.

Please note credit is not guaranteed until approval is received, we will notify you if credit is not approved in any of the above listed states.

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To receive your certificate of attendance you must do the following:

- Watch at least **60** minutes of the webinar
- Listen for and record the two code words given during the program and enter them in the final ending survey
- If you request CLE credit, you **must** provide your bar license number for any states in which you want to receive credit

If the following requirements are met, you will receive your certificate of attendance within 30 days after completion of the program. We will report attendance directly to the states in Pennsylvania, Indiana, Illinois, and Texas.

For any questions regarding CLE credit, please contact Dionne Brooks at Dionne.Brooks@faegredrinker.com.

Welcome and Overview

Keynote Speaker:

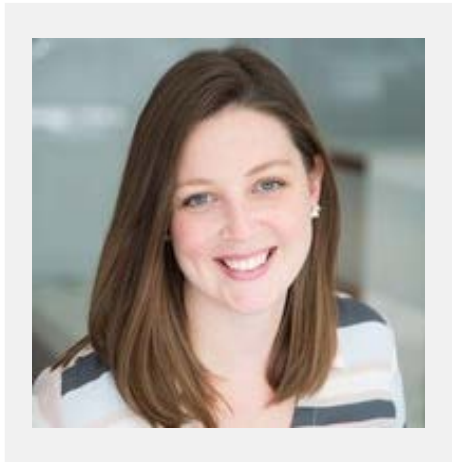
Suzet McKinney, MPH, DrPH,
CEO, Illinois Medical District



Update on changes in Federal and State law facilitating the delivery of Telehealth Care During the Emergency Declaration

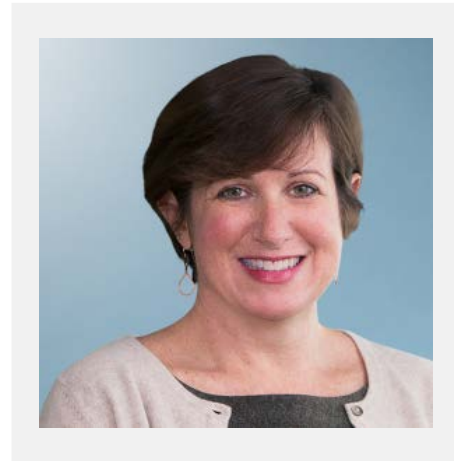
Moderator:

Catherine Pugh
Assistant VP, Policy
eHealth Initiative &
Foundation

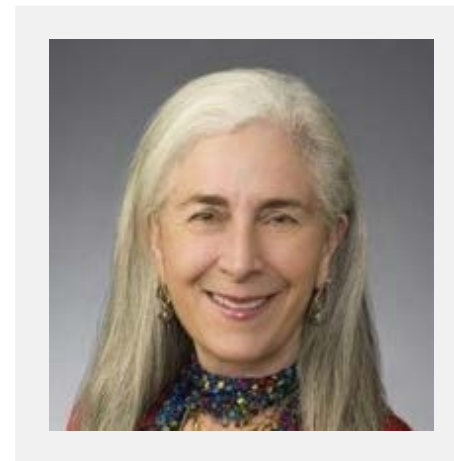


Speakers:

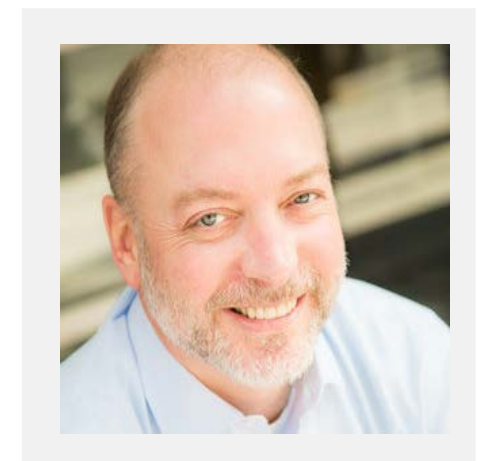
Jen Breuer
Partner
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Sheryl Dacso, DrPH
Partner
Seyfarth Shaw

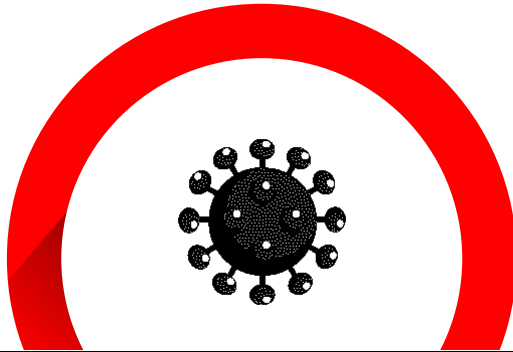


Joel White
Executive Director
Health Innovation Alliance



Congress has enacted three laws to address the Coronavirus threat

Respond to the Threat



Coronavirus Supplemental (HR 6074)

- **\$8.3 Billion**
- Signed into law 3/6
- Focus on response: vaccines, treatment, surveillance, testing and protective gear

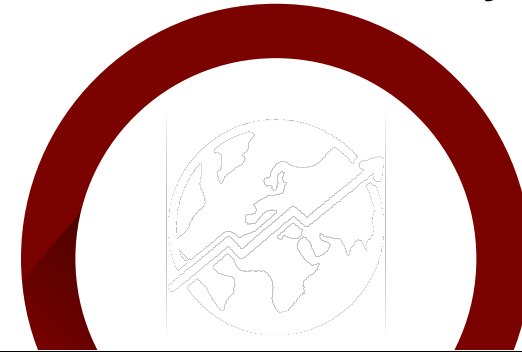
Help Those in Need



Families First Coronavirus Response Act (HR 6201)

- **\$3.4 Billion**
- Signed into law 3/18
- Free testing, paid leave and unemployment

Treat the Sick, Protect the Economy

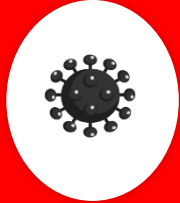


CARES/Supplemental (HR 748)

\$2 trillion COVID Package III:

- Signed into law 3/27
- \$340 billion appropriation
- \$1.7 trillion in stimulus and other policies
- Cash to individuals
- Corporate liquidity
- Payments to HC providers, PPE and vaccines
- Medicare extenders through 11/30/20

Overview: Telehealth Provisions in Coronavirus Packages



Coronavirus Supplemental (HR 6074)

HHS can waive restrictions during emergency:

- Originating site and geographic restrictions
- Urban and rural restrictions

Other restrictions:

- Bill requires smart phone
- Previous (within 3 years) relationship

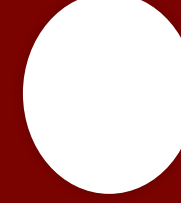
For provider, a previous payer relationship with the patient doesn't count.



Families First Coronavirus Response Act (HR 6201)

Requires insurers to provide coverage – without any cost sharing or prior authorization or other medical management requirements for:

- (1) COVID IVD products; and
- (2) items and services furnished to an individual during health care provider office visits (which includes in-person visits and telehealth visits), urgent care visits, and ER visits that result in an order for or administration of an in vitro diagnostic product



CARES/Supplemental (HR 748)

- Deletes modality and previous relationship restrictions in first coronavirus bill
- Reauthorizes the network and resource centers grant program
- First dollar coverage for telehealth in HSAs
- Allows payments to FQHC and RHCs
- Allows telehealth for dialysis, hospice authorization
- Expands authority to provide telehealth for home health services
- Provides funding for VA, IHS, FCC for telehealth services and infrastructure

CMS Expansion of Telemedicine Health Care Services: Medicare coverage and payment of virtual services

The Centers for Medicare and Medicaid Services (CMS) expanded access to Medicare telehealth services—broadened services and lessened geographic restrictions—through regulatory flexibilities under the 1135 waiver authority and Coronavirus Preparedness and Response Supplemental Appropriations Act.

TELEHEALTH

Effective March 6, 2020 and for the duration of the COVID-19 Public Health Emergency (PHE), telehealth services --

- ✓ Expanded to include all areas in all settings
- ✓ Applicable to new or established patients^a
- ✓ BILLING – Payments furnished for services in all settings, at same rate for in-person visits
- ✓ COST SHARING – Medicare coinsurance and deductible applies for all services and settings*

* HHS OIG provides flexibility for providers to reduce or waive cost-sharing for telehealth visits paid by federal health care programs



VIRTUAL CHECK-INS

- ✓ No geographic or location restrictions
- ✓ Applicable only to established patients
- ✓ Individual services need to be agreed to by the patients, but practitioners may educate beneficiaries on availability of the service prior to patient agreement
- ✓ BILLING – Services may be billed using HCPCS codes G2012 or G2010, as applicable
- ✓ COST SHARING – Medicare coinsurance and deductible applies for these services



E-VISITS

- ✓ No geographic or location restrictions
- ✓ Applicable only to established patients
- ✓ Individual services need to be initiated by the patient, but practitioner may educate beneficiaries on availability of the service prior to patient initiation
- ✓ BILLING – Services may be billed using CPT codes 99421-99423 and HCPCS codes G2061 – G2063, as applicable
- ✓ COST SHARING – Medicare coinsurance and deductible applies for these services

* Patients communicate with their provider via online patient portals



^a To the extent the 1135 waiver requires an established relationship, HHS will not conduct audits to ensure that such a prior relationship existed for claims submitted during this PHE.

Health Innovation Alliance: Working to Expand Telehealth to Meet the Crisis

- Address licensure
- Ensure malpractice insurers cover liability
- Support in-home testing
- Use AI to assess and address capacity issues

SPECIAL COVID-19 EMERGENCY TELEMEDICINE EXCEPTIONS

- Most states will now allow physicians to provide professional services remotely to patients using different telehealth modalities
- Most states will allow physicians licensed in good standing from one state to provide services to patients in their state.
- The federal government has approved several waivers and rule changes to enhance flexibility for physicians to see patients without either incurring undue exposure to the virus and get paid
- As of yesterday (11/31/2020) 34 states had been approved for Section 1135 waivers (apply to modifying requirements of Medicare, Medicaid, CHIP and HIPAA.)

Perspectives from the Front Line

Moderator:

Megan Herber
Director
Faegre Drinker



Speakers:

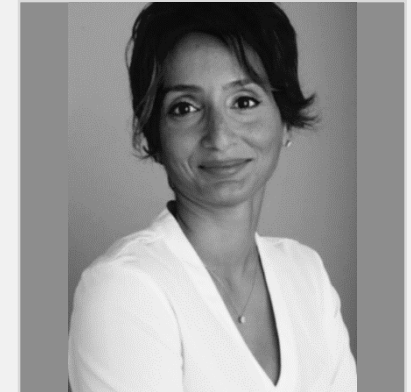
Prentiss Taylor, M.D.,
Doctor on Demand



Rohit Malhotra
Vice President,
Business Development
& Legal, GoodRx



Hema Trukenbrod
CEO
PediaSource



Doctor on Demand: Coronavirus Online Assessment Tool

dr. on demand What We Treat Businesses Sign In Join Now

With coronavirus (COVID-19) on the rise, we've created an assessment based on CDC guidelines to prepare you in the case of exposure to the virus. [Start Assessment](#)

Coronavirus: Preparation and Prevention

Coronavirus continues to spread globally, and more recently, in the United States. We've created an assessment to help prepare and protect you and the ones around you.

[Start Assessment](#)

dr. on demand What We Treat Businesses Sign In Join Now

With coronavirus (COVID-19) on the rise, we've created an assessment based on CDC guidelines to prepare you in the case of exposure to the virus. [Start Assessment](#)

What you should know about the coronavirus

The novel coronavirus disease 2019 (COVID-19) has led to an outbreak of respiratory illness around the world. According to the CDC, more cases are likely to be identified in the coming days. We know you may have questions, so we've put together what you should know to stay informed and keep yourself and the ones you love protected.

What is COVID-19?

COVID-19 is a newly discovered strain of coronavirus. Coronaviruses are a large family of viruses that are common in many different species of animals as well as humans. This new variant, COVID-19, began its rapid spread in Wuhan City, China in December 2019.

What are the symptoms?

Common signs of COVID-19 include coughing, respiratory symptoms, fever, and shortness of breath. Body aches, runny nose, sore throat, nasal congestion or diarrhea are also possible. Groups of people with decreased immunity, high blood pressure, heart disease, chronic lung disease, kidney disease, diabetes or women who are pregnant may experience more severe illness and are at a higher risk if infected with COVID-19.

How is COVID-19 spread?

Health officials continue to study the virus to determine how it is spread. Currently there are a few different modes of transmission suggested based on people who have been diagnosed with the newly detected coronavirus. This includes person-to-person transmission via respiratory droplets through sneezing, coughing and close personal contact such as touching or shaking hands. The virus can also be spread by contact with a surface or object that has the virus on it, followed by touching one's own mouth, nose, or eyes.

8:17 5G

dr. Hi Kelsey, Welcome back

Coronavirus

Concerned about the coronavirus? We've created an assessment based on CDC guidelines to help you prepare for COVID-19.

[Start assessment >](#)

Home Get Care My Health

8:26 5G

< Back Coronavirus

Your Results

EXPOSURE RISK

Low

Based on your responses, there is a low risk you have been exposed to COVID-19 at this time.

RECOMMENDATIONS

If you feel sick, please stay home and isolate yourself from others in your house as much as possible. Wash your hands frequently, wipe down surfaces, and cough or sneeze into your elbow. Take care of yourself by resting, drinking plenty of fluids, and taking over-the-counter treatments as needed to help with your symptoms.

If you feel well, but have a non urgent medical question, please consider waiting 3-5 days to be seen while health care professionals

What State and Private Payers are doing to encourage Telehealth use

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Ann Ford
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Speakers:

Salma Khaleq
VP, Network
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MD, MPH, Principal,
Health Management
Associates



Lisa Mazur
Partner
McDermott Will & Emery



Kim McCullough,
Deputy Director,
Community Outreach,
Illinois Department of
Healthcare and Family
Services



Additional Questions & Answers

COVID-19 Resources and Alerts (Partial List)

- **Telehealth (Alerts / Overviews):**
 - Faegre Drinker Recent Telehealth-related Alerts:
 - [A Day in Telehealth History: Access to Telehealth Services Expanded, Requirements to Facilitate Virtual Visits Relaxed in Response to Coronavirus*](#)
 - [Governor Pritzker Expands Access to Telehealth Services in Illinois*](#)
 - Health Innovation Alliance:
 - “Overview: Telehealth Provisions in Coronavirus Packages”*
- **Coronavirus Aid Relief and Economic Security (CARES) Act (Alerts / Overviews):**
 - Faegre Drinker Recent CARES-related Alert*:
 - [CARES Act Brings Much-Needed Relief \(and New Obligations\) for Benefit Plans*](#)
 - eHealth Initiative (eHI): eHI Explains CARES Act*
- **COVID-19 Resource Centers and Tools:**
 - Faegre Drinker’s Resource Center: faegredrinker.com/covid19 (includes Forum Slides, Handouts, and Recording – within 48 hours) (Subscribe for automatic email alerts at: faegredrinker.com/subscribe)
 - Seyfarth Shaw LLP’s Resource Center: seyfarth.com/covid-19-resource-center.html
 - Health Management Associates (HMA): “Assess your Readiness for telehealth” at: healthmanagement.com/telehealth-readiness-questionnaire/
 - Doctor on Demand Coronavirus Online Assessment: doctorondemand.com/coronavirus
 - Hey Doctor Coronavirus Screening and Triage tool: heydoctor.com/services/coronavirus
 - American Telemedicine Association COVID-19 Resources: info.americantelemed.org/covid-19-news-resources

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