



The End of the Public Health Emergency and Billing Telehealth Services

Stay Informed

During COVID-19 PHE, information and instructions may change and may turn to prior instructions following PHE

- ✓ PHE set to expire on **5/11/2023**
- ✓ [U.S. Department of Health & Human Services Public Health Emergency](#)
- Vital to ensure providers receive latest information
- Take steps to ensure you have access to the latest updates by signing up for email communications
 - ✓ [CMS Email Updates](#) and
 - ✓ [National Government Services Email Updates](#)
- Routinely check
 - ✓ CMS [Current Emergencies](#) web page and
 - ✓ NGS [COVID-19 Medicare Topics](#) web page

Helpful resources for the end of the PHE:

- [Fact Sheet - CMS Waivers, Flexibilities, and the Transition Forward from the COVID-19 Public Health Emergency](#)
- [HHS Fact Sheet: COVID-19 Public Health Emergency Transition Roadmap](#)
- [CMS Coronavirus Waivers and Flexibilities](#)
- [Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19](#)

Don't Report CR Modifier & DR Condition Code after the Public Health Emergency

The end of the COVID-19 public health emergency (PHE) is expected to occur on May 11, 2023. Since the CR modifier and DR condition code should only be reported during a PHE when a formal waiver is in place, plan to discontinue using them for claims with dates of service on or after May 12, 2023.

Major Medicare Telehealth Flexibilities Not Affected

Flexibilities will remain in place through December 2024 due to the bipartisan Consolidated Appropriations Act (CCA), 2023:

- ✓ Can access telehealth services in any geographic area in the U.S., rather than only those in rural areas
- ✓ Can stay in their homes for telehealth visits that Medicare pays for rather than traveling to a health care facility
- ✓ Certain telehealth visits can be delivered audio-only (such as a telephone) if someone is unable to use both audio and video, such as a smartphone or computer



Reporting Home Address:

- ✓ During the PHE, CMS allowed practitioners to render telehealth services from their home without reporting their home address on their Medicare enrollment while continuing to bill from their currently enrolled location
- ✓ When the PHE ends, waiver will continue through 12/31/2023

Expiration of PHE Flexibilities for Direct Supervision Requirements:

- ✓ Direct supervision through virtual presence will continue through at least the end of CY 2023
- ✓ After the end of the calendar year in which the PHE ends, telehealth services can no longer be performed by clinical staff incident to the billing provider/practitioner who directly supervises the service through their virtual presence

Teaching Physicians:

After the PHE, teaching physicians only in residency training sites located outside of a metropolitan statistical area may direct, manage, and review care furnished by residents through audio/video real-time communications technology

Removal of Frequency Limitations on Certain Medicare Telehealth Services to End:

- ✓ During the PHE, CMS removed frequency restrictions for the following listed codes furnished via Medicare telehealth
- ✓ After the PHE, all applicable rules for furnishing these services, unless otherwise specified, will once again take effect
- ✓ A subsequent inpatient visit could be furnished via Medicare telehealth, without the limitation that the telehealth visit is once every three days (CPT codes 99231-99233)
- ✓ A subsequent skilled nursing facility visit could be furnished via Medicare telehealth, without the limitation that the telehealth visit is once every 14 days (CPT codes 99307-99310)
- ✓ Critical care consult codes could be furnished to a Medicare beneficiary by telehealth beyond the once per day limitation (HCPCS codes G0508-G0509)

CPT 99441–99443:

- ✓ Telephone E/M service by a practitioner or qualified health care professional
- ✓ 4/30/2020 added to telehealth services; use modifier 95
- ✓ Physicians (including Osteopaths, Podiatrists, and Optometrists), Dentists, Nonphysician Practitioners (including Nurse Practitioner, Clinical Nurse Specialist, Physician Assistant, Certified Nurse Midwife) and Maxillofacial Surgeon
- ✓ NOTE: Medicare payment for CPT codes 99441-99443 is equivalent to the Medicare payment for office/outpatient visits with established patients effective 3/1/2020
- ✓ After the PHE ends, the Consolidated Appropriations Act, 2023 provides for an extension for this flexibility through 12/31/2024

Reminders for Telehealth Services

- On/after 3/1/2020 and for duration of PHE and through CY2023



- ✓ Bill audio or audio/video telehealth service with modifier 95 (professional telehealth service from a distant site)
- ✓ POS equal to what it would have been (if were performed face-to-face) in the absence of a PHE
- ✓ CR modifier not required on telehealth services
- ✓ Telehealth services are professional services billed as distant site

Telehealth Documentation

- Same as any face-to-face patient encounter, except a statement needed indicating service was telehealth, along with
 - ✓ Patient location
 - ✓ Provider location
 - ✓ Names of all persons participating in the telemedicine service and their role in the encounter
- Time-based services, document start/stop time or total time
- Teaching physician may use audio/video telecommunications during key portions of service

List of Telehealth Services

List of services payable under the Medicare Physician Fee Schedule when furnished via telehealth.

In the CY 2023 Final Rule, CMS finalized alignment of availability of services on the telehealth list with the extension timeframe enacted by the CAA, 2022. The CAA, 2023 further extended those flexibilities through CY 2024. We have updated and simplified the Medicare Telehealth Services List to clarify that these services will be available through the end of CY 2023, and we anticipate addressing updates to the Medicare Telehealth Services List for CY 2024 and beyond through our established processes as part of the CY 2024 Physician Fee Schedule proposed and final rules.

- ✓ [List of Telehealth Services for Calendar Year 2023 \(ZIP\)](#) - Updated 02/13/2023