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# Telemedicine Payments Promised, Regulations Eased

By [Ellen Terry](#)



**To help Texas physicians safely and effectively treat patients**

# during the COVID-19 pandemic, several changes to telemedicine visits have taken effect, including payment for services and which platforms can be used.

“Physicians have important new tools to care safely for our most vulnerable patients in this crisis thanks to the timely actions by the Trump administration, Gov. Greg Abbott, Texas Medical Board President Sherif Zaafran, MD, and Insurance Commissioner Kent Sullivan,” TMA President David C. Fleeger said. “We are working closely with congressional leaders to expand telemedicine payment parity to all health plans so we can provide the high quality of care all Texas patients deserve.”

## **Insurers to Cover Visits**

Governor Abbott on Tuesday waived certain regulations and directed the Texas Department of Insurance (TDI) to issue an emergency rule relating to telemedicine provided through state-regulated insurance plans.

Contracted or preferred physicians and other health care professionals will be eligible for payment from TDI-regulated insurance plans for medical visits they conduct over the phone instead of in person at the same rate they would receive for in-person visits. The Texas Medical Board will issue guidance in the coming days, including administrative guidance for billing to ensure claims are processed smoothly, the governor’s office said.

These actions build upon waivers the governor issued last week to allow physicians to establish a doctor-patient relationship over the telephone.

## **HIPAA Restrictions Suspended**

Effective immediately, the U.S. Health and Human Services (HHS) Office for Civil Rights will not penalize physicians for noncompliance with HIPAA when they serve patients in good faith through common, nonpublic-facing communications technologies, such as FaceTime or Skype.

This applies to services provided via telehealth for any reason, regardless of whether the service is related to the diagnosis and treatment of health conditions related to COVID-19, the office said.

HHS encourages physicians to notify patients of the potential security risks of using these services, but notification is not required. Physicians should not use public-facing communication services like Facebook Live, Twitch, and TikTok. Physicians should still document the visit as though it took place in person.

Physicians may want to check with individual payers regarding their telemedicine requirements in light of the HHS announcement.

## **Medicare Telehealth Expands**

The Centers for Medicare & Medicaid Services (CMS) has temporarily broadened telehealth access to Medicare patients.

Under a new 1135 waiver effective **March 6:**

- Medicare can pay for office visits furnished via telehealth in all areas of the country (not only rural areas) and in any setting, including in a patient's home.
- These visits are considered the same as in-person visits and are paid at the same rate as regular, in-person visits. CMS will allow payment for any telehealth-covered code, even if unrelated to COVID-19 diagnosis, screening, or treatment.
- Physicians may reduce or waive cost-sharing for telehealth visits paid by federal health care programs.
- HHS will not enforce the established-relationship requirement that a patient must have seen the physician within the last three years.
- As described above, physicians may provide services using smart phones that have audio and video capabilities.
- Audio-only visits are allowed via telephone, but are paid at a different rate according to the CMS Medicare Telemedicine Fact Sheet.

For details, see Medicare Telehealth Frequently Asked Questions and the Texas Medical Association's latest telemedicine tools and information.

You can also find the latest news, resources, and government guidance on the coronavirus outbreak by visiting TMA's COVID-19 Resource Center regularly.

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## Ellen Terry

**Project Manager, Client Services**

(512) 370-1391

[ellen.terry@texmed.org](mailto:ellen.terry@texmed.org)

Ellen Terry has been writing, editing, and managing communication projects at TMA since 2000. She hails from Victoria, Texas; has a



journalism degree from Texas State University; and loves to read great fiction. Ellen and her husband have two grown sons and a couple of cats.

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#### **Practical Answers to COVID-19 Questions for Your Practice**

As the number of COVID-19 cases in Texas and around the country grows, what steps should your clinic take to ensure the safety of your staff and patients? The Texas Medical Association COVID-19 Task Force has published a white paper that answers many of the questions you might have about caring for people who have been exposed to the virus. [Read More](#)

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#### **Some of TexMed 2020 Going Virtual**

TexMed 2020 will not take place in Fort Worth on May 1-2, Texas Medical Association President David C. Fleeger, MD, announced Tuesday. The TMA House of Delegates, however, will convene in a virtual format on those same dates, using a focused agenda to address the key issues before the house. [Read More](#)

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#### **Caution Urged as Officials Continue to Monitor Coronavirus**

State and federal health officials continue to monitor COVID-19. As of Wednesday, 64 cases have been confirmed in Texas and two deaths, according to a tracker for Texas COVID-19 cases published by the state Department of State Health Services. [Read More](#)

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## *Texas Medicine*

The widespread call to severely curb or end “surprise” medical bills has prompted competing federal legislation. At stake in this Washington, D.C., wrangling: How much physicians get paid for the vast majority of out-of-network care in the nation. In Texas specifically, federal legislation would cover out-of-network billing disputes involving plans not regulated by the new state law. Plus ... It's finally here: The PMP starts now, which means physicians must check the state database before prescribing an opioid.

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Texas Medical Association  
401 West 15th Street  
Austin TX 78701  
(800) 880-1300 | (512) 370-1300



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