

# OPTIONS FOR INCREASING THE USE OF TELEMENTAL HEALTH SERVICES IN THE COMMONWEALTH

## Interim Report

Joint Commission on Health Care  
August 22, 2017 Meeting



Paula Margolis, Ph.D., MPH,  
Joint Commission on Health Care  
Senior Health Policy Analyst  
[pmargolis@jchc.virginia.gov](mailto:pmargolis@jchc.virginia.gov)

## STUDY MANDATE – HBI500 ITEM 30 #1C

“The Joint Commission on Health Care (JCHC) shall study options for increasing the use of telemental health services in the Commonwealth....

Specifically the issues and recommendations set forth in the report of the Telemental Health Work Group of the Services System Structure and Financing Work Group of the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21<sup>st</sup> Century...

The Joint Commission on Health Care shall submit an interim report to the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21<sup>st</sup> Century by November 1, 2017 and a final report of its findings to the Joint Subcommittee by November 1, 2018.”

The telemental health sub-work group offered twelve recommendations in their final report



Today's presentation will focus on a sub-set of the recommendations that may be actionable in the 2018 General Assembly Session

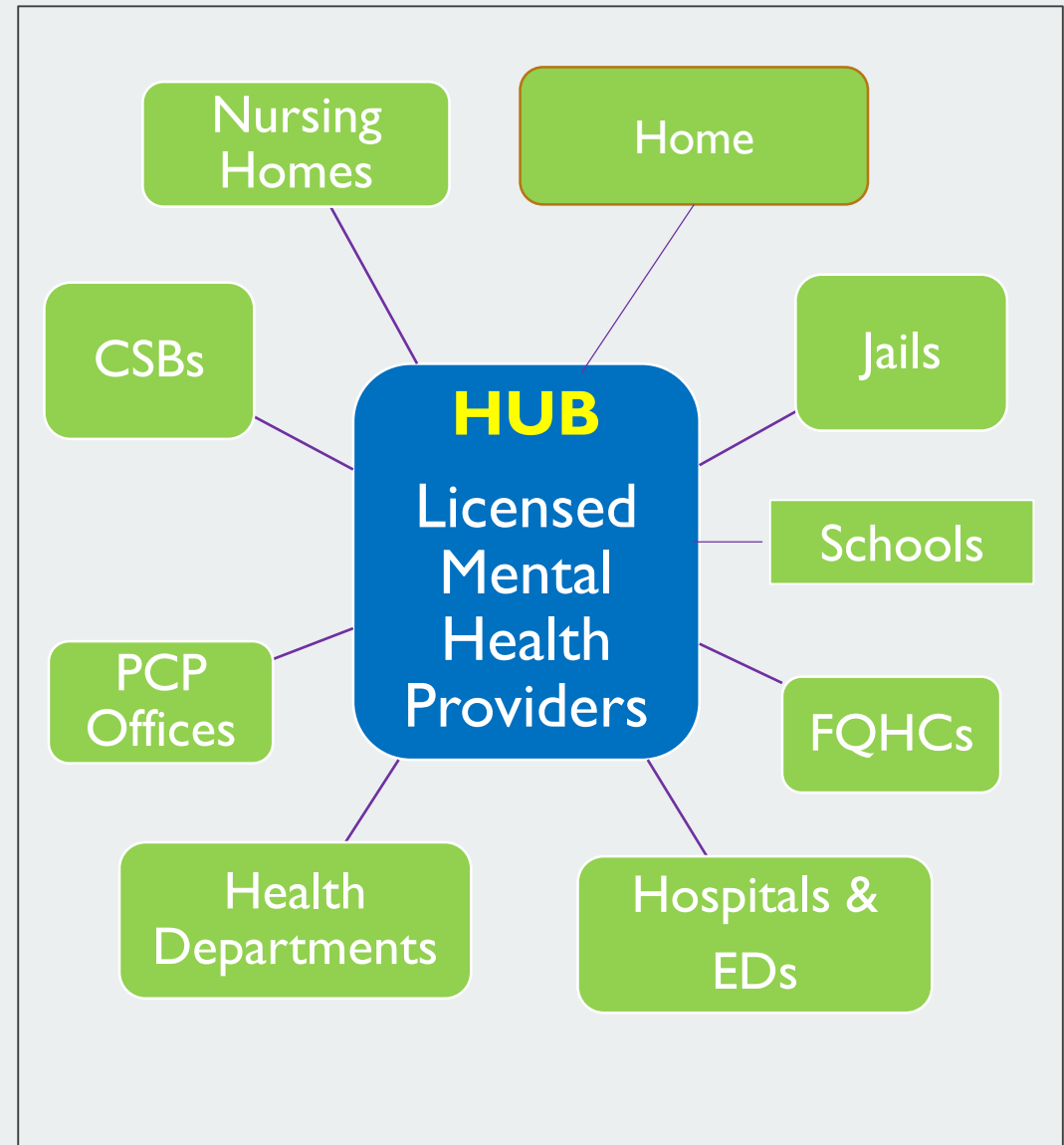
## PRESENTATION OVERVIEW

1. Telehealth terms
2. Federal regulations
3. Virginia regulations, policies and activities
4. Virginia broadband communications infrastructure and Federal programs
5. Telemental Health Sub-Committee Report
  - I. Report Framework
  - II. Report Recommendations
6. Policy Options

## TELEHEALTH TERMS

- **Telemedicine** – the use of telecommunications and information technology to provide access to health assessment, diagnosis, intervention, consultation, supervision and information across distance
- **Originating or “spoke” site** – where the **patient** is located at the time the service is being furnished
- **Distant or “hub” site** - where the **physician** or other **provider** who is delivering the service is located
- **Telepresenters** – Staff at the spoke site who facilitate the delivery of the service
- **Asynchronous, or ‘store and forward’, technology** - transfer of data from one site to another through the use of a camera or similar device that records an image that is sent via telecommunication to another site for consultation
- **Reimbursement** – Can include a provider fee (paid to provider at the hub site) and a facility fee (paid to the spoke site) and in some cases may include reimbursement for transmission charges and equipment costs

## SPOKE AND HUB MODEL





## FEDERAL REGULATIONS



## THE RYAN HAIGHT ONLINE PHARMACY CONSUMER PROTECTION ACT OF 2008



- The Ryan Haight Act requires that no controlled substance may be delivered, distributed or dispensed by means of the Internet without a valid prescription obtained by a practitioner (or their covering practitioner) who has conducted at least one in-person medical evaluation of the patient
- The Act provides for seven (7) exceptions to the in-person evaluation requirement



## RYAN HAIGHT ACT, CONT'D

1. The patient is treated by, and physically located in, a hospital or clinic which has a **valid DEA registration**
2. The patient is being treated in the presence of another **DEA registered practitioner**
3. The practitioner is an employee or contractor of the **Indian Health Service or Tribal authority**
4. During a Department of **Veterans Affairs medical emergency**
5. The DEA Administrator and Secretary of Health and Human Services have **jointly determined** to be acceptable

6. The practitioner has obtained a **special registration** from the DEA under section 311(h) of the Act (21 U.S.C. 831(h))

7. During a declared **public health emergency**

---

---

On August 10, 2017 President Trump **declared the opioid crisis a public health emergency**

- Secretary Price could allow '**standing orders**' for **naloxone** without a prescription and could **waive the special certification requirement** for doctors who want to administer methadone or buprenorphine
- Once the prescribing practitioner has conducted an in-person medical evaluation, the Ryan Haight Act **does not set an expiration period or require subsequent re-examinations**



## RYAN HAIGHT ACT, CONT'D



- Despite the seven exceptions, **barriers continue to exist** for patients to receive care from legitimate telemedicine providers who are in full compliance with state law
- The seven exceptions function well for institutional telemedicine arrangements, but may not work:
  - When the patient is being seen at a non-DEA registered facility or without a DEA registered practitioner on site
  - In sites such as school-based health clinics, work site clinics, or private practice offices of an LPC and LCSW
  - When the patient is **in their home** at the time of the telemedicine consult
- In 2016, DEA announced plans to issue a new rule expanding the DEA registration process
  - The most recent notice of rulemaking stated the proposed rule was expected to be published in January 2017
  - The proposed rule has not yet been released, but is anticipated to be published this year

## MEDICARE TELEHEALTH POLICY

Social Security Act, Sec. 1834(m) [42 C.F.R. § 410.78]

- The Medicare beneficiary must be located in a **Health Professional Shortage Area** as determined by the Health Resources and Services Administration

### **Allowed Originating (Spoke) Sites include:**

- Entities that participate as a Next Generation Accountable Care Organization or in a Federally approved telemedicine demonstration project
- Physician and practitioner offices
- Hospitals, including Critical Access Hospitals (CAH)
- Rural Health Clinics
- Federally Qualified Health Centers (FQHCs)
- Hospital-based or CAH-based renal dialysis centers and their satellites

### **Allowed Distant (Hub) Site Practitioners include:**

- Physicians
- Nurse Practitioners
- Physician Assistants
- Nurse-midwives
- Clinical nurse specialists
- Certified nurse anesthetists
- Clinical psychologists/social workers
- Registered dietitians and nutrition professionals



## MEDICARE TELEHEALTH POLICY, CONT'D.

- Services must be delivered using a system that permits **real-time communication between sites**
  - Historically, asynchronous “store and forward” has only been permitted in federal telemedicine demonstration programs in **Alaska & Hawaii**
  - In March 2015, the Centers for Medicare and Medicaid Services (CMS) approved the first non-face-to-face procedure codes for certain clinical staff to perform extensive assessment for Medicare beneficiaries with **multiple chronic conditions** who meet specific criteria specified by CMS
  - These services are not restricted by geographic location or prohibitions on the use of asynchronous technology in most cases
- **Pending federal legislation:**
  - **HR 3360** would allow urban critical access and sole community hospitals, home sites and counties with fewer than 25,000 people to be eligible for Medicare payments for telehealth
  - **HR 2123 and S 925** would allow health care professionals employed or contracted with the Department of Veterans Affairs to **treat VA patients** in any state using telemedicine **regardless of where they are located**
  - **HR 3545** Overdose Prevention and Patient Safety Act would reform 42 CFR Part 2, which governs substance use disorder data sharing to align disclosure rules with the Health Insurance Portability and Accountability Act (HIPAA). The legislation would **prohibit valid disclosures from being used to initiate or substantiate a criminal charge or investigation.**

## PENDING FEDERAL REGULATION, CONT'D.

### **S. 1377 -RURAL Act:**

would allow non-rural health care providers serving rural areas to qualify for support from the Federal Communication Commission's (FCC) Healthcare Connect Fund.

### **HR 2550 - Medicare Parity Act**

would ease geographic and other limitations on the use of telehealth in the Medicare program through a phase-in approach in which the geographic location and facilities a telehealth service can be rendered are gradually expanded. Additionally, HR 2550 would expand the use of store and forward to deliver services, and allow additional practitioners and services to be eligible for telehealth reimbursement.

### **HR 2291 - HEART Act**

was introduced in early May, and proposes to amend title XVIII of the Social Security Act to expand the coverage of telehealth services under the Medicare program, to provide coverage for home-based monitoring for congestive heart failure and chronic obstructive pulmonary disease.

### **S. 1016/HR 2556 - CONNECT Act**

allows for the waiver or elimination of the telehealth restrictions in Medicare under certain conditions effective Jan. 1, 2018. The CONNECT Act would also allow for the coverage of remote patient monitoring (RPM) services when delivered by an eligible provider to an applicable patient.

### **S 870 - CHRONIC Act**

proposes to expand coverage for telehealth services within several key Medicare programs, including: Medicare Advantage plans, the End Stage Renal Disease (ESRD) Program, applicable Accountable Care Organizations (ACOs), and for individuals with stroke.

# FEDERAL MEDICAID TELEHEALTH POLICY



- The general Medicaid requirements of comparability, statewideness and freedom of choice do **not** apply with regard to telemedicine services
- States are not required to submit a (separate) State plan amendment (SPA) for coverage or reimbursement of telemedicine services if they decide to reimburse for telemedicine services the same way/amount that they pay for in-person services
- States must submit a separate reimbursement SPA if they want to provide reimbursement for telemedicine services or components of telemedicine differently than is currently being reimbursed for in-person services



# VIRGINIA REGULATIONS, POLICIES AND ACTIVITIES





## COVERAGE FOR TELEHEALTH SERVICES ENACTED JANUARY 2011- CODE OF VIRGINIA §38.2-3418.16



“...each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services **shall provide coverage for the cost of such health care services provided through telemedicine services**, as provided in this section.”

“This section shall not apply...to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.”

For the purpose of prescribing a Schedule VI controlled substance via telemedicine... **a prescriber may establish a bona fide provider-patient relationship by face-to-face exam through interactive, 2-way, real-time communications or store-and-forward technologies when all conditions below are met:**

- (a) the patient has provided a **medical history** that is available for review by the prescriber
- (b) the prescriber obtains an **updated medical history** at the time of prescribing
- (c) the prescriber **makes a diagnosis** at the time of prescribing
- (d) the prescriber conforms to the **standard of care** expected of in-person care appropriate to the patient's age and presenting condition, including when the standard of care requires use of diagnostic testing and performance of a physical exam, **which may be carried out through the use of peripheral devices...**

(e) the prescriber is actively **licensed in the Commonwealth** and authorized to prescribe

(f) if the patient is a member or enrollee of a health plan/carrier, the prescriber has been **credentialed** by the health plan/carrier as a participating provider and the diagnosing and prescribing meets the qualifications for reimbursement by the health plan/carrier pursuant to § 38.2-3418.16 and

(g) upon request, the prescriber **provides patient records** in a timely manner in accordance with the provisions of § 32.1-127.1.03 and all other state and federal laws and regulations. **Nothing in this paragraph shall permit a prescriber to establish a bona fide practitioner-patient relationship for the purpose of prescribing a Schedule VI controlled substance when the standard of care dictates that an in-person physical examination is necessary for diagnosis**

## VIRGINIA BOARDS OF MEDICINE AND NURSING GUIDANCE



- The Virginia Boards of Medicine and Nursing revised their guidances related to telemedicine practiced by physicians and nurse practitioners in 2017; guidances include:
  - Providers must establish a practitioner-patient relationship and adhere to regulations regarding prescriptions to be issued as defined in *Virginia Code* §54.1-3303 and §54.1-3408-01
  - The practice of medicine occurs **where the patient is located**; therefore, the practitioner must be licensed, or under the jurisdiction of, the regulatory board of the state where both the patient and practitioner are located
  - Telemedicine **does not include** an audio-only telephone, electronic mail message, facsimile transmission, or online questionnaires



## VIRGINIA MEDICAID TELEHEALTH POLICY

- Telehealth is available to individuals enrolled in:
  - Commonwealth Coordinated Care (CCC)
  - CCC Plus
  - Governor's Access Plan
  - Medallion 4.0 MCOs
  - Fee-for-Service providers
- Allowed store and forward services include:
  - Radiology
  - Diabetic retinopathy screening
  - Tele-dermatology and others
- No reimbursement for email, phone or FAX





## VIRGINIA MEDICAID TELEHEALTH POLICY

- All providers must be enrolled with the Department of Medical Assistance Services (DMAS)
- Out-of-state physicians must be licensed to practice in Virginia and enrolled in the Medicaid program in the state in which they reside

### Allowed Hub Providers:

- Physicians
- Nurse practitioners, including psychiatric nurse practitioners, clinical nurse specialists, including psychiatric clinical nurse specialists, and nurse midwives
- Clinical psychologists, clinical social workers, professional counselors, marriage and family therapists/counselors licensed by the Virginia Board of Counseling
- Local Education Agencies (speech therapy only), school psychologists licensed by the Virginia Department of Health Profession's Board of Psychology, and substance abuse treatment practitioners

### Allowed Spoke Sites:

- Rural Health Clinics
- FQHCs
- Hospitals (general, mental health, long stay & rehab)
- Nursing Facilities
- Health Department Clinics
- Renal Units (dialysis centers)
- Community Services Boards
- Residential Treatment Ctrs

DMAS is in the process of updating the allowed originating and remote sites, clarifying the ability of FQHCs to bill as a hub site and examining changing their payment model from delineating which telehealth services **are** eligible for payment to delineating which services **are not** eligible for services (would be more inclusive)



# FEDERAL AND VIRGINIA BROADBAND COMMUNICATIONS INFRASTRUCTURE AND ACTIVITIES



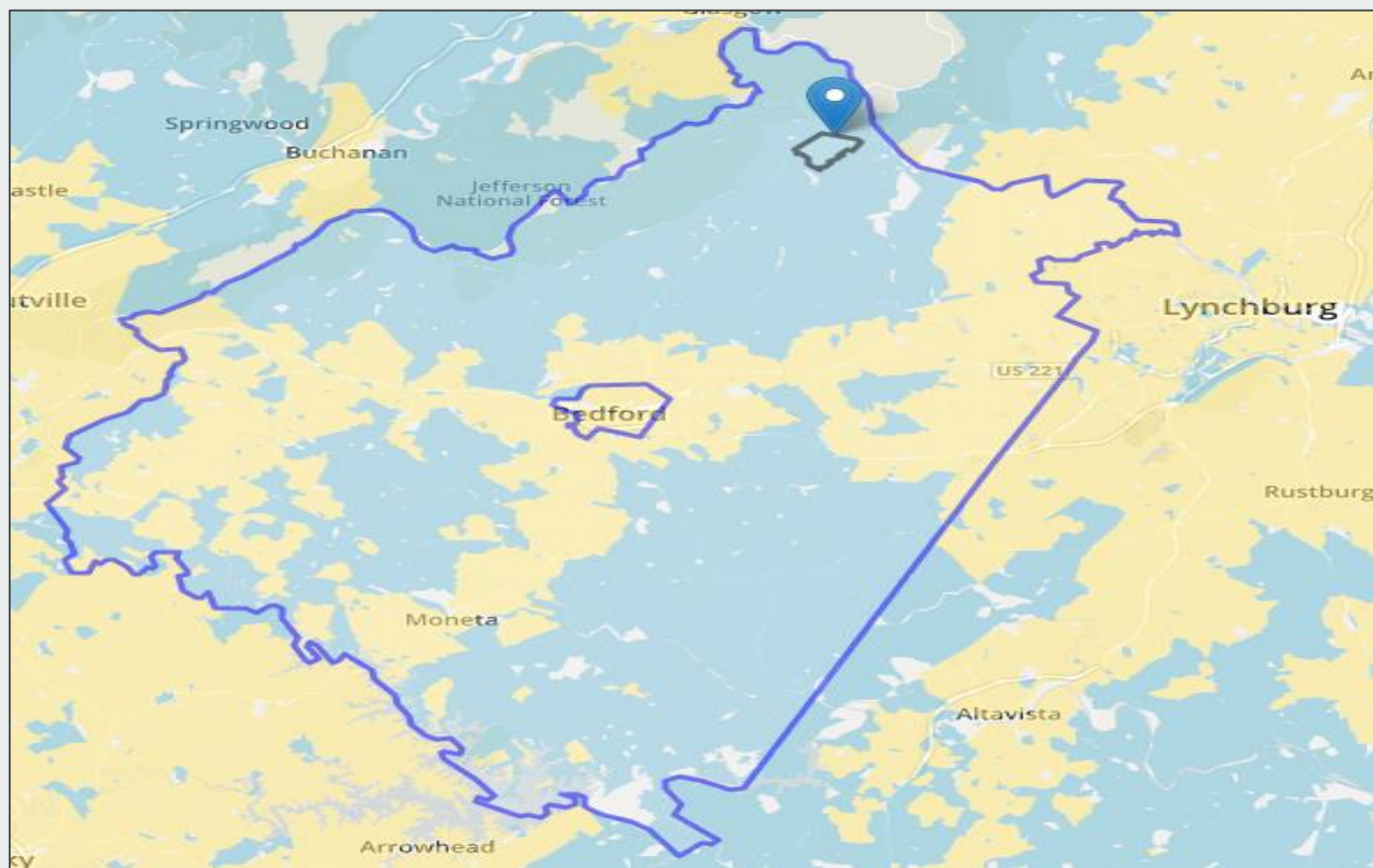




- **Fixed broadband** includes terrestrial and satellite, although satellite speeds do not currently meet the 25/3 MbPS standard and can not accommodate data-intensive applications such as HD video streaming, voice over IP, virtual private networks, telemedicine, real-time distance learning and two-way video conferencing
- **Mobile broadband** is not actually a ‘broadband’ connection. ‘Mobile broadband’ is a term used by mobile phone operators as a synonym referring to internet access over their existing mobile networks
- These networks use cell towers which transmit data to and from a user’s mobile phone, and ‘mobile broadband’ is simply the way of accessing the internet over this connection
- **Mobile broadband** powers smartphones, wearable devices, and **mobile health monitoring** but issues include **latency** (the time it takes to deliver a packet of data) and **consistency** (service drops)
- **Fixed and mobile broadband are not currently “substitute services”** - the decision to rely exclusively on less expensive mobile is frequently driven by **financial necessity**
- Those using mobile exclusively are more likely to hit **data-allowance limits** and **less likely to own** a **computer** or **tablet**, have a **bank account** or **health insurance\***

\*<https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2016-broadband-progress-report>

- Approximately **925,000** Virginia residents had no access to broadband at speeds needed for telehealth as of June 2016
- In Bedford **26%** of the total population did not have access; about **3%** of the urban and **46%** of the rural population had no access



### Bedford County, VA

|  |             |
|--|-------------|
| <b>Total Population:</b>                 | 71,292      |
| <b>Pop Density (pop/mi<sup>2</sup>):</b> | 94.67466938 |
| <b>Per Capita Income:</b>                | \$28,548    |
| <b>Total Pop w/o Access:</b>             | 26,054      |
| <b>% Urban Pop w/o Access:</b>           | 2.75%       |
| <b>% Rural Pop w/o Access:</b>           | 45.61%      |

### County Population



### Map Layers

Areas without population are shown without color.

- ☒  Fixed broadband 25/3 (Mbps)
- ☒  No fixed broadband 25/3 (Mbps)

The map shows where fixed residential broadband of at least 25 Mbps upload is deployed while the graph shows the fraction of the population without access

<https://www.fcc.gov/reportsch/maps/fixed-broadband-deployment-data/#lat=38.323343&lon=-79.255371&zoom=9-resear>

## JOINT SUBCOMMITTEE ON WIRELESS COMMUNICATIONS INFRASTRUCTURE

### HOUSE AND SENATE COMMERCE AND LABOR COMMITTEES

### SENATE GENERAL LAWS AND TECHNOLOGY COMMITTEE

- The Virginia Joint Subcommittee on Wireless Communications Infrastructure is working on language regarding zoning issues related to the build-out of wireless infrastructure in the Commonwealth
- Applications for new or expanded existing infrastructure (towers, antennae, etc.) are approved by localities in accordance with state and federal law
- The state language addresses restrictions by localities and the Department of Transportation regarding the use of public rights-of-way, or easements, and specifies when a permittee may be required to relocate wireless support structures
- Industry representatives expressed a preference for uniform zoning requirements throughout the Commonwealth, in order to promote efficient statewide networks and to reduce costs
- Countervailing issues include different needs of localities and between the needs of rural and non-rural areas that lack wireless service



- Since 1985, the **Lifeline** program has provided a discount on phone service and more recently broadband for qualifying low-income consumers to ensure that all Americans are able to connect to jobs, family and emergency services\*
- The FCC modernized and reformed its Lifeline program in 2016 to support stand-alone broadband service as well as bundled voice and data service packages\*\*
- The current subsidy is \$9.25 per household per month

\*<https://www.fcc.gov/general/lifeline-program-low-income-consumers>



- Individuals who qualify include those:
  - With Income at or Below 135% of the Federal Poverty Guidelines and/or those who qualify for:
    - Supplemental Nutrition Assistance Program
    - Supplemental Security Income
    - Federal Public Housing Assistance
    - Tribal-specific programs
    - Temporary Assistance for Needy Families
    - Food Distribution Program on Indian Reservations Head Start
    - Veterans Pension and Survivors Benefit Programs

\*\*<https://www.fcc.gov/document/fcc-modernizes-lifeline-program-digital-age>

# FCC UNIVERSAL SERVICE RURAL HEALTH CARE PROGRAMS

- The FCC's universal service health care programs include:
  - **The Rural Health Care Telecommunications Program**
    - Established in 1997, the Telecommunications Program ensures that eligible rural HCPs pay no more than their urban counterparts for telecommunications services
  - **The Rural Health Care Pilot Program**
    - Provides enhanced funding to help public and non-profit health care providers deploy broadband for telehealth and telemedicine funds up to 85% of the costs of deploying those networks - Virginia participants include:
      - West Virginia Telehealth Alliance (WV,VA, OH)
      - Mountain States Health Alliance (TN,VA)
      - Virginia Acute Stroke Telehealth Project
    - The pilot is currently closed to new members

## Eligible public/non-profit Health care Providers include:

- Post-secondary educational institutions offering health care instruction, including teaching hospitals and medical schools
- Community health centers or health centers providing care to migrants
- Local health departments or agencies
- Community mental health centers
- Not-for-profit hospitals
- Dedicated EDs in rural for-profit hospitals
- Rural health care clinics
- Part-time eligible entities located in facilities that are ineligible

<https://www.fcc.gov/consumers/guides/fcc%E2%80%99s-universal-service-rural-health-care-programs>

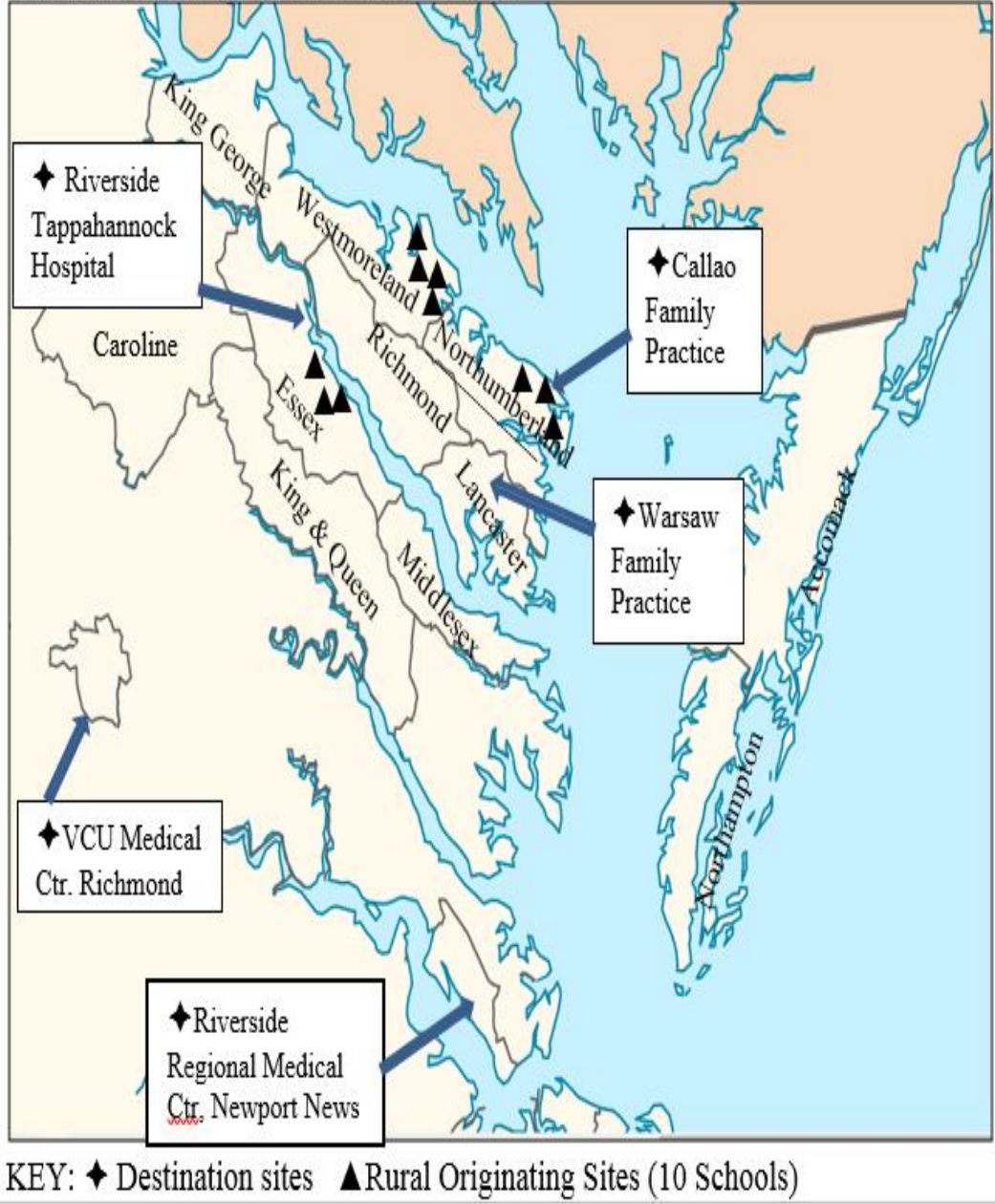


## School-Based Telehealth Initiative

- 10 school-based health centers linked via telehealth to local and regional primary care and specialty providers and therapists
- Clinical services include care and treatment for behavioral health, asthma, obesity prevention/reduction, diabetes, and oral health
- Funded by the U.S. Department of Health and Human Services, Resources and Services Administration, the Federal Office of Rural Health Policy and the Office for the Advancement of Telehealth; \$1.2M over four years from September 1, 2016 through August 31, 2020

| Essex County Schools | Northumberland County Schools | Westmoreland County Schools    |
|----------------------|-------------------------------|--------------------------------|
| Essex Elementary     | Northumberland Elementary     | Cople Elementary               |
| Essex Intermediate   | Northumberland Middle         | Washington District Elementary |
| Essex High           | Northumberland High           | Montross Middle                |
|                      |                               | Washington and Lee High        |

Figure 1 Map of the Target Service Region







## E-BACKPAC

- **Lead Organization:** University of Virginia
- **Originating Sites:** Bland County Elementary School & Bland County High School, Albert Harris Elementary School & Martinsville High School
- **Provider/Distant Sites:** Bland County Medical Clinic; Mt. Rogers Community Services Board, Bassett Family Practice, Piedmont Community Services Board, University of Virginia Health System and Office of Telemedicine UVA Children's Hospital; UVA Department of Psychiatry, UVA Teen and Young Adult Clinic; Virginia Institute of Autism
- **Target Population:** K-12 student population of Bland County and Martinsville's Albert Harris and Martinsville High Schools

- **Federal Funder:** Department of Health and Human Services and the HRSA Offices of Rural Health Policy and Advancement of Telehealth
- **Award:** \$1,178,455 September 2016 - August 2020
- **Increase access to primary and specialty care** for children in Bland County and Martinsville through telehealth-enabled School Based Health Centers
- Establish mobile technology facilitated **virtual care networks** between parents/caregivers, classroom teachers/school personnel, and clinicians to **improve communication/care coordination** for children with special health care needs
- **Increase capacity** to **address the needs of children** with asthma, diabetes, obesity, and behavioral health concerns through technology-assisted training education and support services
- **Incentivize healthy behaviors** related to fitness, nutrition, and oral health care through mobile health technologies designed to entertain, educate, and engage students in friendly competition and self-monitoring

# MENTAL HEALTH SERVICES IN THE COMMONWEALTH IN THE 21<sup>ST</sup> CENTURY TELEMENTAL HEALTH SUB-GROUP REPORT

## Study Framework



The telemental health sub-group identified:

- Six barriers to expanding telemental health
- 29 options
- Twelve recommendations based on the potential for high impact and ability to achieve within a 12-month period
- Six recommendations involved tasks for the Secretary of Health and Human Resources involving access to the internet, professional/legal barriers, professional education, and services in jails
- Today's focus is on recommendations that are either in progress and need new resources, involve budget amendments and/or actions that can be taken in the 2018 GA session

## BARRIERS TO EXPANDING TELEMENTAL HEALTH

### Provider Barriers

- Discomfort with the technology
- Skepticism/uncertainty about the impact of technology on establishing rapport with patients
- Concerns about clinical workflows
- Concerns that providing telehealth services will not be profitable and may cost the provider
- Lack of clarity regarding policies

### Workforce Barriers

- Limited access in rural and underserved communities
- Professional workforce shortages and maldistribution leads to patients with severe mental health problems being served by non-mental health professionals

### Financial Barriers

- Sustainability of telehealth services, including barriers related to public and private insurance reimbursement
- Limitations on the scope of reimbursement; fee schedules may not cover costs
- Lack of a mechanism for delivering care to those who are uninsured or underinsured

### Client/Patient Barriers

- Lack of access to high-speed internet services
- Lack of access to, or discomfort with, using technology
- Stigma associated with seeking behavioral health treatment

## **BARRIERS TO EXPANDING TELEMENTAL HEALTH, CONT'D.**

### **Policy Barriers**

- Laws and regulations must be updated to ensure that they adequately accommodate new technology-enabled models of care, including
  - The Ryan Haight Act
  - Access to electronic medical records
  - Ensuring professionals can practice to the full extent of their education and licenses
  - Standards for out-of-state telemental health providers
  - Ensure patients have access to recommended formulary and continuity of medications during transitions

### **Preventive Care Barriers**

- Models that enable the use of a broad range of mental/behavioral health providers that can deliver care in a variety of settings (schools, primary care, home, workplace, nursing homes, assisted living facilities, etc.)
- Awareness of telemental health prevention services in the health care setting, the community and the criminal justice system

## RECOMMENDATIONS FOR THE OFFICE OF THE SECRETARY OF HEALTH AND HUMAN RESOURCES (OSHHR)

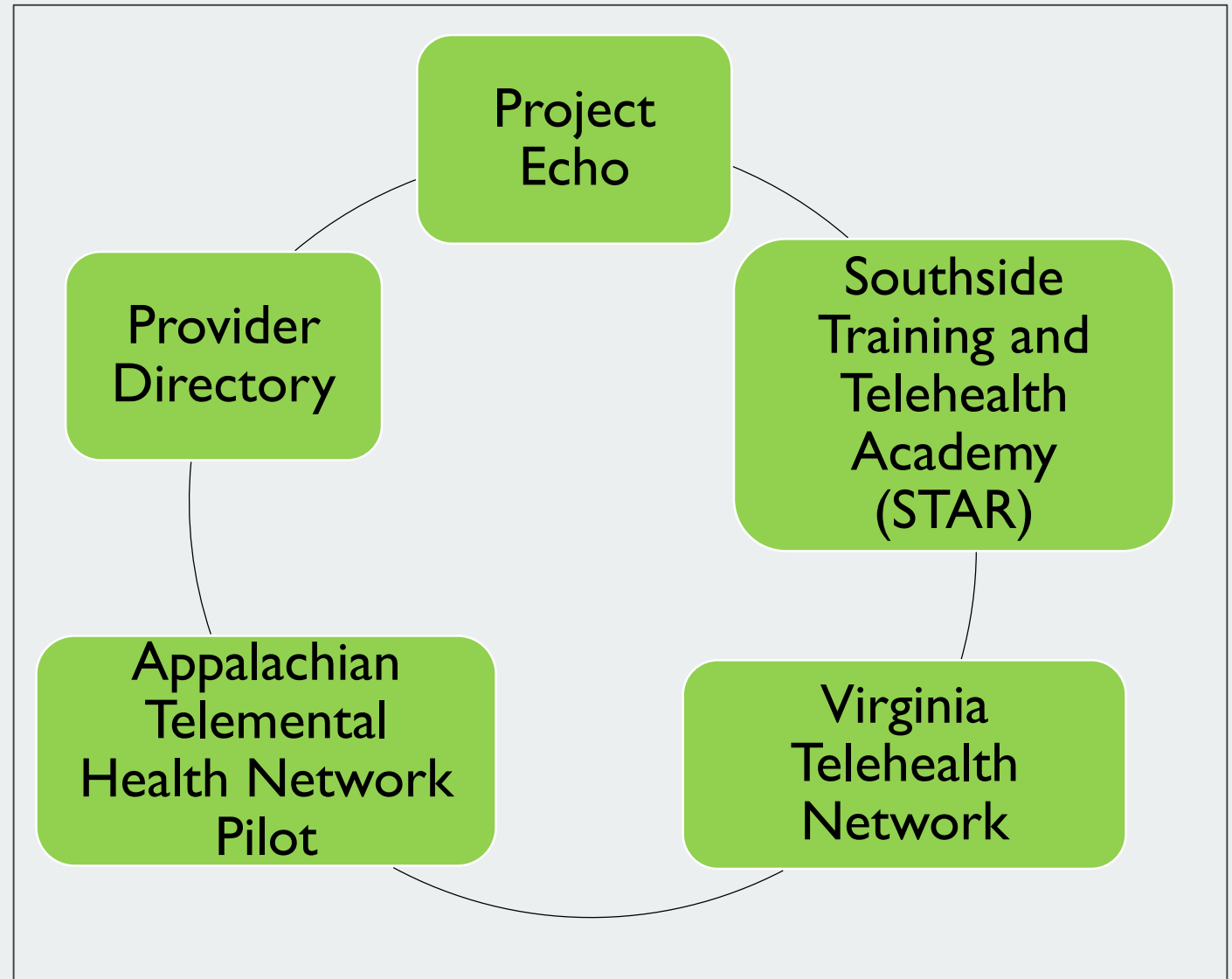
- Several of the recommendations included requesting OSHHR review; the JCHC sent a letter to OSHHR on April 28, 2017 with the requests, which included:
  - Identify ways to leverage existing Commonwealth broadband and FCC/Universal Services Administrative Company Program efforts to increase access in rural and underserved areas
  - Provide policy clarification and guidance regarding liability/malpractice, privacy and security requirements, standards of care, and standards for technology and interoperability using *The Guide to the Issues* developed by the Georgia Public Policy Foundation\* as a model
  - Establish clinical fellowships in telemental health
  - Leverage existing resources through public-private partnerships to train and compensate a pool of clinicians to serve uninsured/underinsured populations and identify an interoperable portal/platform and process that would enable providers to join the pool
  - Develop a plan to facilitate the better use of telemental health servicers throughout the criminal justice system
  - A letter of request was sent from the JCHC to the OSHHR who in turn forwarded the request to appropriate agencies within the Secretariat

\* <http://www.georgiapolicy.org/additional-links/guidetotheissues/>

## RECOMMENDATION NOS. 2, 3, & 5: ADDRESSING TELEMENTAL HEALTH BARRIERS

### Issues:

- Many primary care providers are not trained to treat patients with Behavioral/Substance Use Disorders and may feel uncomfortable managing such patients
- As a result, primary care providers may wish to refer patients with complex issues to specialists
- However, there is a lack of specialists to whom patients can be referred in many areas
- Primary care providers need resources to help manage and/or refer patients appropriately





## RECOMMENDATION #2 - APPALACHIA TELEMENTAL HEALTH NETWORK PILOT\*

- The aims of the pilot are to expand and enhance access to quality affordable mental health services in Appalachia, allowing for efficient, early and accurate diagnoses, and reduced travel time and costs
- The Appalachian Tele-Mental Health Network would be a regional broadband health network using an interoperable, standards-based system to allow for multiple vendor platforms
- The network pilot will assess broadband infrastructure throughout the region to close gaps; develop partnerships with regional providers, clinics, hospitals, public health institutes and institutes of higher education; and, explore innovation through the development and testing of new technologies

- Support and develop regional partnerships and pilot projects
- Provide evidence for telehealth policy change
- Develop a readiness assessment tool for providers

- Support telehealth training opportunities
- Assess market dynamics by state, including reimbursement rates, and payer source
- Create online referral network and resource center for providers and professionals

## RECOMMENDATION #2

### ESTABLISH THE APPALACHIA TELEMENTAL HEALTH NETWORK PILOT

#### Lead Coordinating Entity



#### Appalachia Telemental Health Pilot

Serves Seven Virginia Counties  
Includes Hospitals, Clinics, & Educational Institutions

#### Lead Administrative & Fiscal Agent



Grants for broadband,  
provider training, desktop  
platform, online support,  
patient access points



#### Clinician Training and Support

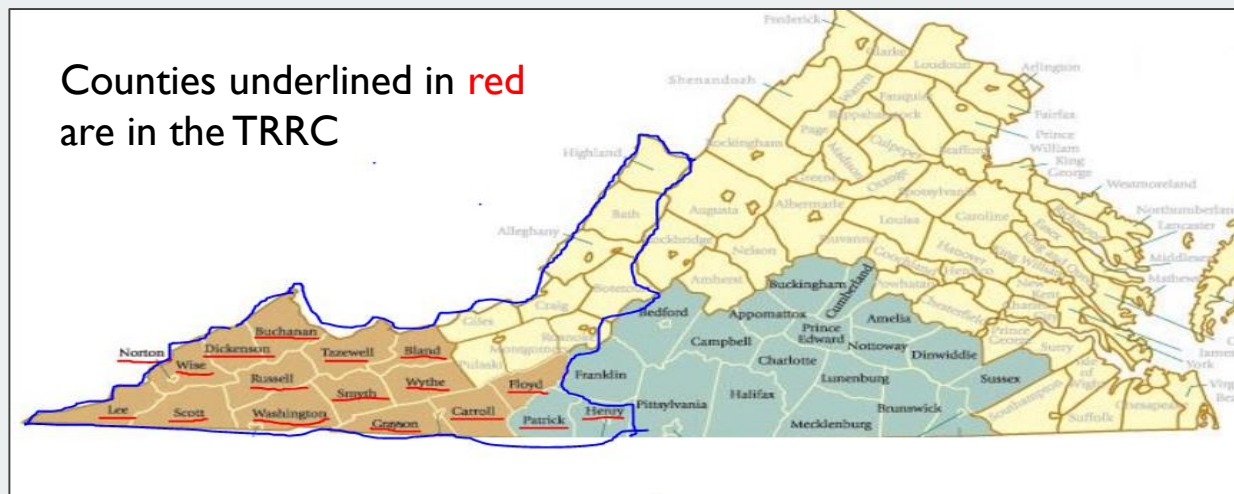
**The Southwest Virginia Health Authority** seeks to improve quality of life in the region by enhancing, fostering and creating opportunities that advance health status and provide health-related economic benefits for people of all ages\*

\*<http://www.vrha.org/weekly/articles/Blueprint.pdf>

## RECOMMENDATION #2 APPALACHIA TELEMENTAL HEALTH NETWORK PILOT, CONT'D.

- The Sub-Commission report recommends that the Commonwealth **leverage funding** to implement a pilot telemental health network using Appalachian Regional Commission (AEC) and Tobacco Region Revitalization Commission (TRRC) grants, which have overlapping footprints
- There are 25 Virginia counties that qualify for ARC funds, of which 16 also qualify for TRRC funds (Bland, Buchanan, Carroll, Dickenson, Floyd, Grayson, Henry, Lee, Patrick, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe)
- Tasks would include:
  - developing a **readiness assessment** tool to determine current resources, network capability, knowledge and telehealth technology needs for providers as they join the network

- Create an on-line referral **network/directory** that will allow providers to display their credentials, specialties and state license information
  - Providers can be identified by patients based on “next available appointment”, patient rating, patient satisfaction, years in the network, etc.
- As part of the network/directory, providers will have access to compiled **provider information, resources and advice** on using telehealth within their practice, recommended equipment, and continuing education opportunities



### RECOMMENDATION #3: PROJECT ECHO

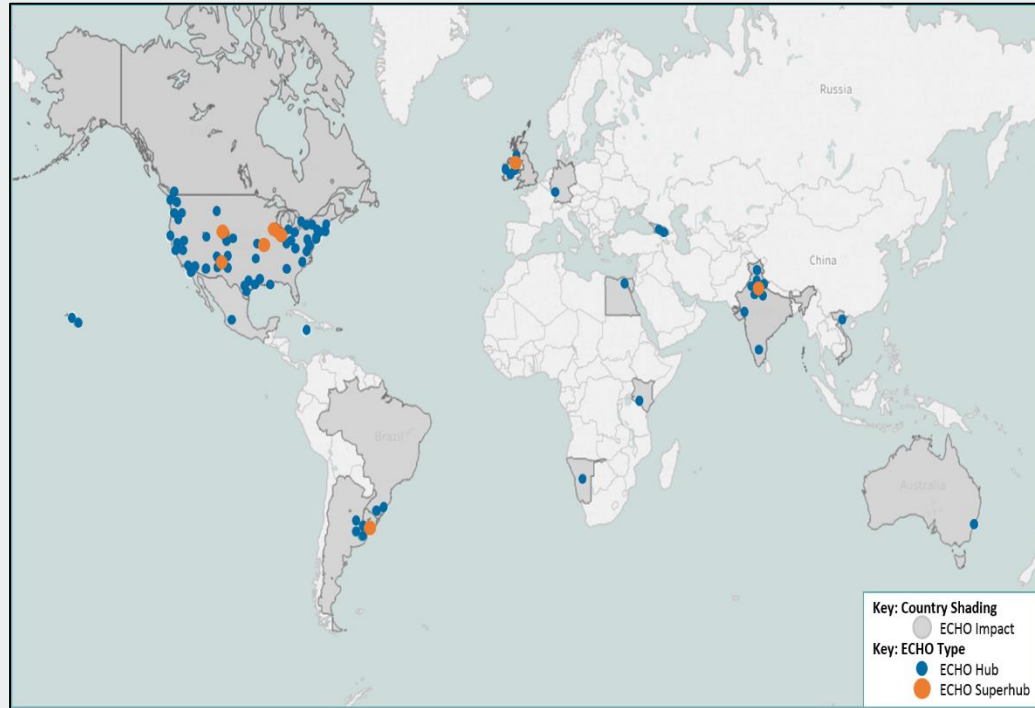
- Establish a statewide Project ECHO (Extension for Community Healthcare Outcomes) focused on mental/behavioral health issues such as pain management, behavioral health disorders, substance use disorders (including opioid use) and other addictions
- The ECHO model™ links expert specialist teams at an academic ‘hub’ with primary care clinicians in local communities – the ‘spokes’ of the model
- Together, they participate in virtual grand rounds, combined with mentoring and patient case presentations
- Project Echo sessions allow for a team of specialists to consult on de-identified patient cases via video conferencing to primary care and other providers across the state
- Sessions include a [didactic section](#) on pre-determined topics (including medication assisted treatment for substance use), and continuing medical education credits are available



- This model fosters knowledge sharing, collaboration, building up the confidence and capacity of providers
- Project ECHO has been successful in raising the comfort level of PCPs to appropriately manage patients in the primary care setting and/or refer them to specialists
- Project ECHO has been used for a variety of health care issues and can be expanded over time to include other disorders
- Providers can participate over a computer and smart phone

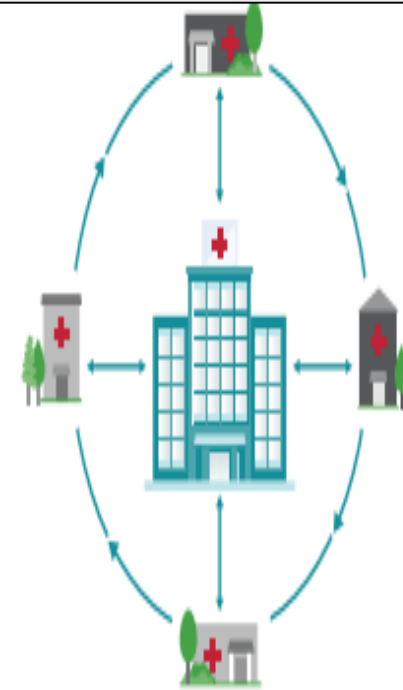


# WORLDWIDE PROJECT ECHO LOCATIONS



## Moving Knowledge, Not Patients

Through telementoring,  
ECHO creates access to  
high-quality specialty care  
serving local communities.



Hub and spoke knowledge-sharing  
networks create a learning loop:

Community providers learn  
from specialists.

Community providers learn from  
each other.

Specialists learn from community  
providers as best practices emerge.

**Project ECHO**  
now addresses over  
**55**  
complex conditions

### Including:

- Hepatitis C
- HIV
- Substance Use Disorders
- Diabetes and Endocrinology
- Chronic Pain
- Tuberculosis
- Autism
- Palliative Care
- Crisis Intervention Training
- Assistive Technologies in Education



## PROJECT ECHO, CONT'D.

- Other activities can include recruitment of physicians to participate in the **DATA-2000 wavier** training for prescribing buprenorphine for opioid use disorder
- Data 2000 is part of the Children's Health Act of 2000 which permits physicians who meet certain qualifications to treat opioid dependency with narcotic medications approved by the Food and Drug Administration, including buprenorphine in treatment settings other than opioid treatment programs

### **Substance use disorder curriculum from the New Mexico integrated addictions and psychiatry ECHO clinic includes:**

- Alcohol & opioid use disorder and management of withdrawal
- Tobacco use disorder
- Benzodiazepine use disorder
- Cannabis use disorder
- Synthetic drugs (bath salts/spice)
- Identifying & treating dual-diagnosis

- Challenging conversations in treatment of SUD
- Stigma and stigma busting
- Seeking safety
- Community reinforcement approach
- Motivational interviewing
- Science of urine drug monitoring
- Relapse prevention

## VIRGINIA PROJECT ECHO

- The **Virginia Department of Health** received a **one-year SAMHSA grant** to start Project ECHO in Virginia
  - VDH will provide technical assistance, direction and oversight in partnership with DMAS
  - Virginia staff received training at the University of New Mexico (UNM) in 2017
  - The program will utilize a software platform developed at UNM provided at no charge
- The project will **launch in the Fall of 2017** and include three hub partners (**University of Virginia, Virginia Commonwealth University School of Medicine and Virginia Tech-Carilion**) that will provide subject matter experts for didactic training and clinical guidance on addiction disorders with plans for expanding topic areas over time
- Hubs will also oversee the rotation of specialists, curriculum development, physical site hosting and contribute evaluation scientists who will work with UNM to evaluate the program
- **Sustained funding of \$300,000 per year** is needed to continue and expand the program beyond the first year and three existing hubs and pay for office space, administrative costs, payment to hub providers, technology, equipment and connectivity fees

### RECOMMENDATION #5

APPROPRIATE \$50,000 ANNUALLY TO THE VIRGINIA TELEHEALTH NETWORK (VTN) TO ESTABLISH AND MANAGE A REFERRAL NETWORK OF VIRGINIA-LICENSED TELEMENTAL HEALTH PROVIDERS

The VTN devotes its resources to advancing the adoption, implementation, and integration of telehealth and related technologies statewide and promotes the coordination and delivery of care for all Virginians

- General Fund dollars would go to:
  - Establishing, maintaining and managing the provider directory
  - Outreach to clinicians to be trained in setting up and managing a telehealth practice
- Providers could receive technical and management training through STAR Telehealth Certification Trainings
- Additional ongoing funding may be required for sustainability but could come from a variety of sources (e.g., private/public partnerships)



The Southside Telehealth Training Academy and Resource Center (STAR) is a training program that is part of the Virginia Health Workforce Development Authority located in Martinsville for health care providers seeking to use advanced telemedicine and telehealth systems for rural and medically-underserved populations; Programs include:

- **Board Certified Telemental Health Provider training for mental health professionals includes:**
  - Crisis Management
  - Settings and Care Coordination
  - Direct-to-Consumer legal and ethical requirements
  - Orienting Clients
  - Choosing and Using Technology
- **Certified Telemedicine Clinical Presenter training**
  - Telemedicine Essentials
  - Live Video/Store, Foreword, Remote Monitoring
  - Consultation Protocols
  - Video Conferencing Etiquette & Record Keeping
- **Certified Telehealth Coordinator/Technical Professional**
  - Technology Used & Live Interaction Visit
  - The Telehealth Coordinator and Team
  - Clinical Basics and Working with the Presenter
  - Remote Patient Monitoring
- **HIPPA training**
  - Purpose of HIPPA & HIPPA Standards
  - Identifying Breach Scenarios
  - How to be HIPPA Compliant
  - Business Associates Agreements
  - Penalties and Fines Related to Breaches
  - Role of HIPPA Audits

The STAR platform, website and content were created in 2012 and need to be expanded and updated; the Telemental Health Sub-committee estimates that \$100,000 would be needed to accomplish these goals

## RECOMMENDATION #11

### HAVE JCHC STUDY THE COSTS/BENEFITS OF DIFFERENT MODELS FOR CONTRACTING TELEMENTAL PROVIDERS SERVING THE COMMUNITY SERVICES BOARDS (CSB)

- Issues:
  - How to maximize economies of scale and efficiency in providing telepsychiatry services across the Commonwealth
  - Some CSBs only have enough work for a few hours per week making contracting less efficient, whereas a centralized model could employ full-time staff to serve the state or large region within the state
- Current Model
  - Each CSB is responsible for developing their individual telepsychiatry services model and providers
- Centralized Model
  - Psychiatrists are hired by the Department of Behavioral Health and Developmental Services to meet the demands of all the CSBs statewide or by region
  - There are many private and for-profit companies that provide telepsychiatry services or behavioral health services organizations (BSO) that might be used
  - CSBs could contribute funds, based on utilization



## POLICY OPTIONS

|          |   |
|----------|---|
| Option 1 | Take no action  |
| Option 2 | The JCHC supports the Mental Health in the 21 <sup>st</sup> Century Commission if it chooses to introduce Budget language in the 2018 session to appropriate \$300,000 per year to operate Project Echo   |
| Option 3 | The JCHC supports the Mental Health in the 21 <sup>st</sup> Century Commission if it chooses to support the use of Virginia Tobacco Region Revitalization Commission and Appalachian Regional Commission funds to create an Appalachian Telemental Health Network Pilot                 |
| Option 4 | The JCHC supports the Mental Health in the 21 <sup>st</sup> Century Commission if it chooses to introduce Budget language in the 2018 session to appropriate \$50,000 to create a state-wide on-line network directory of telemental health providers                                   |
| Option 5 | The JCHC supports the Mental Health in the 21 <sup>st</sup> Century Commission if it chooses to introduce Budget language in the 2018 session to appropriate \$100,000 to update and expand the Southwest Training Academy and Resource Center telehealth website, platform and content |

Written public comments on the proposed options may be submitted to JCHC by close of business on September 8, 2016.

Comments may be submitted via:

- ❖ E-mail: [jchcpubliccomments@jchc.virginia.gov](mailto:jchcpubliccomments@jchc.virginia.gov)
- ❖ Fax: 804-786-5538
- ❖ Mail: Joint Commission on Health Care
- ❖ P.O. Box 1322
- ❖ Richmond, Virginia 23218

Comments will be provided to Commission members and summarized during the JCHC's November 21<sup>st</sup> decision matrix meeting.

(All public comments are subject to FOIA release of records)

## APPENDIX A: MEDICARE REQUIREMENTS WAIVED FOR SELECT MODELS AND DEMONSTRATIONS

| Requirement                   | Change in Medicare telehealth requirement under waiver   | Applicable models and demonstrations   |
|-------------------------------|--|--|
| Originating site geography    | <p>This waiver removes the requirement that telehealth only occur in</p> <ul style="list-style-type: none"> <li>a rural health professional shortage area,</li> <li>a county that is not included in a Metropolitan Statistical Area, or</li> <li>an entity that participates in a federal telehealth demonstration project (referred to as telemedicine demonstration projects in statute) approved by or receiving funding from the Secretary of Health and Human Services as of December 31, 2000.</li> </ul>   | <p>Bundled Payments for Care Improvement Model<sup>a</sup></p> <p>Comprehensive Care for Joint Replacement Model</p> <p>Episode Payment Models<sup>b</sup></p> <p>Next Generation Accountable Care Organizations</p> |
| Originating site type         | <p>The waiver allows for telehealth services to be furnished in the patient's home or place of residence and eliminates the requirement that the patient receiving telehealth services must be at one of the specified originating sites:</p> <ul style="list-style-type: none"> <li>physician or provider office,</li> <li>critical access hospital,</li> <li>rural health clinic,</li> <li>federally qualified health center,</li> <li>hospital,</li> <li>hospital-based or critical access hospital-based renal dialysis center or satellites,</li> <li>skilled nursing facility, or</li> <li>community mental health center.</li> </ul> <p>The waiver eliminates the requirement to pay originating site fees when telehealth services are provided in the patient's home.</p> | <p>Comprehensive Care for Joint Replacement Model</p> <p>Episode Payment Models<sup>b</sup></p> <p>Next Generation Accountable Care Organizations</p>  |
| Originating site facility fee | The waiver allows participants to receive cost-based payment for telehealth when they are the originating site, rather than the approximately \$25 set fee for originating sites.  | Frontier Community Health Integration Project Demonstration  |

Source: GAO's analysis of Medicare statute and Centers for Medicare & Medicaid Services (CMS) regulations. | GAO-17-365

Note: The term "originating site" refers to the location where the patient is located while receiving a telehealth service.

<sup>a</sup>The Bundled Payments for Care Improvement Model refers in this case only to Bundled Payments for Care Improvement models two and three.

<sup>b</sup>Episode Payment Models refer to three models for episodes of care surrounding (1) acute myocardial infarction, (2) coronary artery bypass graft, and (3) surgical hip/femur fracture treatment. CMS officials told us that these models would begin sometime in calendar year 2017.

## Appendix B: 50-State Survey of Telemental/Behavioral Health (2016)



## 50-State Survey of Telemental/Telebehavioral Health

**VIRGINIA****What is the definition of “telemedicine” or “telehealth”?**

Virginia defines “telemedicine services” as “the use of interactive audio, video, or other electronic media used for the purpose of diagnosis, consultation, or treatment.” This does not include an audio-only telephone, electronic mail message, or facsimile transmission.

[VA. CODE ANN. § 38.2-3418.16\(b\).](#)

“Telemedicine is the real-time or near real time two-way transfer of medical data and information using an interactive audio/video connection for the purposes of medical diagnosis and treatment.”

[Virginia Department of Medical Assistance Services, Physician/Practitioner Manual, ch. IV \(Covered Services and Limitations\), p. 25 \(rev. July 31, 2015\).](#)

**What is the definition of “telemental,” “telebehavioral,” and “telepsychiatry”?**

None identified.

**PSYCHIATRISTS****What is the regulatory body in the state that governs the practice of psychiatry?**

[Virginia Board of Medicine](#)

**What are the restrictions on the scope of practice for psychiatrists practicing via telemedicine/telehealth?**

“A practitioner is discouraged from rendering medical advice and/or care using telemedicine services without (1) fully verifying and authenticating the location and, to the extent possible, confirming the identity of the requesting patient; (2) disclosing and validating the practitioner’s identity and applicable credential(s); and (3) obtaining appropriate consents from requesting patients after disclosures regarding the delivery models and treatment methods or limitations, including any special informed consents regarding the use of telemedicine services. An appropriate practitioner-patient relationship has not been established when the identity of the practitioner may be unknown to the patient.”

[Virginia Board of Medicine, Guidance Document 85-12 \(Telemedicine\) \(adopted Feb. 19, 2015\).](#)

**Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?**

None identified.

However a license issued by the Virginia Board of Medicine is generally required to practice as a psychiatrist in Virginia.



### What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

"[A] practitioner using telemedicine services in the provision of medical services to a patient (whether existing or new) must take appropriate steps to establish the practitioner-patient relationship as defined in [Va. Code Ann.] [§ 54.1-3303](#) and conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the particular patient presentation. As such, some situations and patient presentations are appropriate for the utilization of telemedicine services as a component of, or in lieu of, in-person provision of medical care, while others are not. The practitioner is responsible for making this determination, and in doing so must adhere to applicable laws and standards of care."

[Virginia Board of Medicine, Guidance Document 85-12 \(Telemedicine\) \(adopted Feb. 19, 2015\).](#)

### Does a psychiatrist have prescribing authority? If so, under what conditions/limits may a psychiatrist prescribe via telemedicine/telehealth?

Yes.

"For purposes of this section, a bona fide practitioner-patient-pharmacist relationship is one in which a practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to his patient for a medicinal or therapeutic purpose within the course of his professional practice. In addition, a bona fide practitioner-patient relationship means that the practitioner shall (i) ensure that a medical or drug history is obtained; (ii) provide information to the patient about the benefits and risks of the drug being prescribed; (iii) perform or have performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically; except for medical emergencies, the examination of the patient shall have been performed by the practitioner himself, within the group in which he practices, or by a consulting practitioner prior to issuing a prescription; and (iv) initiate additional interventions and follow-up care, if necessary, especially if a prescribed drug may have serious side effects."

[VA. CODE ANN. § 54.1-3303.](#)

"Prescribing medications, in-person or via telemedicine services, is at the professional discretion of the prescribing practitioner. The indication, appropriateness, and safety considerations for each prescription provided via telemedicine services must be evaluated by the practitioner in accordance with applicable law and current standards of practice and consequently carries the same professional accountability as prescriptions delivered during an in-person encounter. Where such measures are upheld, and the appropriate clinical consideration is carried out and documented, the practitioner may exercise their judgment and prescribe medications as part of telemedicine encounters in accordance with applicable state and federal law."

"Prescriptions must comply with the requirements set out in Virginia Code §§ 54.1-3408.01 and 54.1-3303(A) as amended by HB 2063. Additionally, practitioners issuing prescriptions as part of telemedicine services should include direct contact for the prescriber or the prescriber's agent on the prescription. This direct contact information ensures ease of access by pharmacists to clarify prescription orders, and further facilitates the prescriber-patient-pharmacist relationship."

[Virginia Board of Medicine, Guidance Document 85-12 \(Telemedicine\) \(adopted Feb. 19, 2015\).](#)



**What are the acceptable modalities (e.g., telephone, video) for the practice of psychiatry via telemedicine/telehealth that meet the standard of care for the state?**

The term “telemedicine services” does not include an audio-only telephone, electronic mail message, facsimile transmission, or online questionnaire.”

[VA. CODE ANN. § 38.2-3418.16\(b\).](#)

## PSYCHOLOGISTS

**What is the regulatory body in the state that governs the practice of psychology?**

[Virginia Board of Psychology](#)

**What are the restrictions on the scope of practice for psychologists practicing via telemedicine/telehealth?**

None identified.

**Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?**

None identified.

However, a license issued by the Virginia Board of Psychology is generally required to practice as a psychologist in Virginia.

Virginia has certain exemptions from the licensure requirements, including for “[a]ny psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction when in Virginia temporarily and such psychologist has been issued a temporary license by the Board to participate in continuing education programs or rendering psychological services without compensation to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106.”

[VA. CODE ANN. § 54.1-3601\(7\).](#)

**What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?**

None identified.

**Does a psychologist have prescribing authority?  
If so, under what conditions/limits may a psychologist prescribe via telemedicine/telehealth?**

No.

[VA. CODE ANN. § 54.1-3602.](#)

**What are the acceptable modalities (e.g., telephone, video) for the practice of psychology via telemedicine/telehealth that meet the standard of care for the state?**

None identified.

See Psychiatrists section above.

## SOCIAL WORKERS

**What is the regulatory body in the state that governs the practice of social work?**

[Virginia Board of Social Work](#)

**What are the restrictions on the scope of practice for social workers practicing via telemedicine/telehealth?**

None identified.

**Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?**

"A social worker providing services to a client located in Virginia through technology-assisted therapy must be licensed by the Virginia Board of Social Work."

[Virginia Board of Social Work, Guidance Document 140-3 \(Guidance on Technology-Assisted Therapy and the Use of Social Media\) \(adopted Oct. 25, 2013\).](#)

**What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?**

None identified.

However, a social worker must "inform clients of potential risks and benefits of services and the limitations on confidentiality and ensure that clients have provided informed written consent to treatment."

[18 VA. ADMIN. CODE § 140-20-150.](#)

**Does a social worker have prescribing authority? If so, under what conditions/limits may a social worker prescribe via telemedicine/telehealth?**

No.

**What are the acceptable modalities (e.g., telephone, video) for the practice of social work via telemedicine/telehealth that meet the standard of care for the state?**

None identified.

## COUNSELORS

**What is the regulatory body in the state that governs the practice of counseling?**

[Virginia Board of Counseling](#)

**What are the restrictions on the scope of practice for counselors practicing via telemedicine/telehealth?**

"Regardless of the delivery method, whether in person, by phone or electronically, these standards [\[18 VA. ADMIN. CODE § 115-20-130\]](#) shall apply to the practice of counseling."

"Counseling is best in the traditional sense, in person in a face-to-face relationship, in the same room. Counseling may be continued using technology-assisted means after it is initiated in a traditional setting. Counseling that from the outset is delivered in a technology-assisted manner is less than desirable in that issues of the counseling relationship, client identity and other issues may be compromised."

[Virginia Board of Counseling, Guidance Document 115-1.4 \(Guidance on Technology-Assisted Counseling and Technology-Assisted Supervision\) \(adopted Aug. 8, 2008\).](#)

**Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?**

None identified.

However, a license issued by the Virginia Board of Counseling is generally required to practice as a counselor in Virginia.

**What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?**

None identified.

**Does a counselor have prescribing authority?  
If so, under what conditions/limits may a counselor prescribe via telemedicine/telehealth?**

No.

**What are the acceptable modalities (e.g., telephone, video) for the practice of counseling via telemedicine/telehealth that meet the standard of care for the state?**

None identified.  
*See Psychiatrists section above.*

**MARRIAGE/FAMILY  
THERAPISTS**

**What is the regulatory body in the state that governs the practice of marriage/family therapy?**

[Virginia Board of Counseling](#)

**What are the restrictions on the scope of practice for marriage/family therapists practicing via telemedicine/telehealth?**

None identified.



**Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?**

None identified.

However, a license issued by the Virginia Board of Counseling is generally required to practice as a marriage and family therapist in Virginia.

**What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?**

None identified.

However, marriage and family therapists must inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed, the limitations of confidentiality, and other pertinent information when counseling is initiated, and throughout the counseling process, as necessary. Marriage and family therapists also must provide clients with accurate information regarding the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements.

[18 VA ADMIN. CODE § 115-50-110.](#)

**Does a marriage/family therapist have prescribing authority?  
If so, under what conditions/limits may a marriage/family therapist prescribe via telemedicine/telehealth?**

No.

**What are the acceptable modalities (e.g., telephone, video) for the practice of marriage/family therapy via telemedicine/telehealth that meet the standard of care for the state?**

None identified.

### **ADVANCED PRACTICE REGISTERED NURSES (APRNs)**

**What is the regulatory body in the state that governs the practice of advanced practice nursing?**

[Virginia Board of Nursing](#)

**What are the restrictions on the scope of practice for APRNs practicing via telemedicine/telehealth?**

None identified.

**Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?**

None identified.

However “a license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state’s qualifications for licensure and license renewal as well as all other applicable state laws.”

[VA. CODE ANN. § 54.1-3032.](#)

|   |
|---|
| <b>What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?</b>  |
| None identified.  |
| <b>Does an APRN have prescribing authority?<br/>If so, under what conditions/limits may an APRN prescribe via telemedicine/telehealth?</b>  |
| Yes.<br><i>See Psychiatrists section above (regarding telehealth-specific conditions/limits).</i>   |
| <b>What are the acceptable modalities (e.g., telephone, video) for the practice of advance practice nursing via telemedicine/telehealth that meet the standard of care for the state?</b>   |
| None identified.<br><i>See Psychiatrists section above.</i>   |
| <b>PRIVACY/CONFIDENTIALITY</b>  |
| <b>Are there privacy/confidentiality requirements specifically related to telemental/telebehavioral/telepsychiatric health services?</b>  |
| None identified.  |
| <b>MINORS</b>   |
| <b>What are the requirements/restrictions regarding the provision of telemental/telebehavioral/telepsychiatric health services to minors?</b>   |
| None identified.  |
| <b>FOLLOW-UP CARE</b>   |
| <b>What are the requirements regarding follow-up care for telemental/telebehavioral/telepsychiatric health services?</b>  |
| One of the requirements of having a bona fide physician-patient relationship is to “initiate additional interventions and follow-up care, if necessary, especially if a prescribed drug may have serious side effects” when providing care through telemedicine.<br><br><a href="#"><u>VA. CODE ANN. § 54.1-3303.</u></a> |
| <b>Are there requirements regarding the time frame in which a follow up face-to-face encounter would be required in a telemental/telebehavioral/telepsychiatric health setting? If so, what are those requirements?</b>   |
| None identified.  |



## COVERAGE & REIMBURSEMENT

**Does the state have a parity statute in place mandating coverage by private insurers for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services) on par with those provided in face-to-face/in-person encounters?**

Yes.

"[E]ach insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for the cost of such health care services provided through telemedicine services, as provided in this section."

"An insurer, corporation, or health maintenance organization shall not exclude a service for coverage solely because the service is provided through telemedicine services and is not provided through face-to-face consultation or contact between a health care provider and a patient for services appropriately provided through telemedicine services."

VA. CODE ANN. § 38.2-3418.16(A) & (C).

**Are there provisions requiring certain reimbursement levels/amounts for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services)?**

None identified.

**Does Medicaid provide coverage for telemental/telebehavioral/telepsychiatric health services? If so, what are the coverage criteria?**

Yes.

Coverage is available for all Virginia Medicaid recipients, irrespective of whether recipients have Medicaid fee-for-service or Medicaid managed care organization coverage.

Eligible services:

- Office visits
- Individual psychotherapy
- Family psychotherapy
- Group psychotherapy
- Colposcopy
- Fetal non-stress test
- Obstetric ultrasound
- Fetal echocardiography
- Cardiography interpretation and report only
- Echocardiography
- Speech therapy services
- Radiology and radiology related procedures

**Does Medicaid provide coverage for telemental/telebehavioral/telepsychiatric health services? If so, what are the coverage criteria? CONTINUED**

- Remote imaging for detection of diabetic retinopathy; remote imaging for monitoring and management of diabetic retinopathy with physician review, interpretation and report
- Remote imaging using fundus photography for monitoring and management of diabetic retinopathy, with interpretation
- Crisis intervention

Eligible providers:

- Physicians
- Nurse practitioners
- Nurse midwives
- Clinical nurse specialists
- Clinical psychologists
- Clinical social workers
- Licensed professional counselors
- Speech pathologists (speech therapy only)

Virginia Department of Medical Assistance Services, Physician/Practitioner Manual, ch. V (Billing Instructions), pp. 21-26 (rev. July 31, 2015).

## CONTROLLED SUBSTANCES

### How are “controlled substances” defined by the state?

Virginia statutes define “controlled substance” to mean “a drug, substance, or immediate precursor in Schedules I through VI. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term ‘controlled substance’ includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of [Va. Code Ann.] § [54.1-3443](#).”

VA. CODE ANN. § 54.1-3401.

### What are the requirements/laws governing the prescribing of “controlled” substances”?

“A prescription for a controlled substance may be issued only by a practitioner of medicine . . . who is authorized to prescribe controlled substances, or by a licensed nurse practitioner pursuant to [Va. Code Ann.] § [54.1-2957.01](#), a licensed physician assistant pursuant to [Va. Code Ann.] § [54.1-2952.1](#), or a TPA-certified optometrist pursuant to Article 5 ([Va. Code Ann.] § [54.1-3222](#) et seq.). The prescription shall be issued for a medicinal or therapeutic purpose and may be issued only to persons . . . with whom the practitioner has a bona fide practitioner-patient relationship.”

VA. CODE ANN. § 54.1-3303.

# APPENDIX C: FEDERAL TELEHEALTH RULES SUMMARY APRIL 2017

**Table 1: Summary of Federal Agency Telehealth Services and Originating Sites**

| Federal agency                                 |          | Telehealth services  | Originating sites   |
|--|----------|--|---|
| Centers for Medicare & Medicaid Services (CMS) | Medicare | Medicare pays for the 81 telehealth services on CMS's list of telehealth services as of 2016.  | For sites located in a rural health professional shortage area or a county that is not included in a Metropolitan Statistical Area, Medicare pays for telehealth used at the following locations: <sup>a</sup> <ul style="list-style-type: none"> <li>• physician or provider office,</li> <li>• critical access hospital,</li> <li>• rural health clinic,</li> <li>• federally qualified health center,</li> <li>• hospital,</li> <li>• hospital-based or critical access hospital-based renal dialysis center or satellites,</li> <li>• skilled nursing facility, and</li> <li>• community mental health center.</li> </ul> |
|  | Medicaid | Services covered differ depending on the state. According to CMS officials, CMS does not have any statutory or regulatory requirements for telehealth use in Medicaid. | CMS does not limit telehealth use in Medicaid. Restrictions on use vary by state.   |
| Department of Defense (DOD)                    |          | DOD does not limit the services allowed for telehealth use within its direct care component. <sup>b</sup>  | Outside of military treatment facilities, originating sites are allowed at patient locations that are deemed appropriate by the treating provider in DOD's direct care component, including the patient's home. According to officials, telehealth services are not limited to certain geographic areas, such as rural locations.   |
| Department of Veterans Affairs (VA)            |          | According to officials, VA does not limit the services providers can offer via telehealth.   | According to officials, VA does not limit the locations where telehealth services may be offered.   |



# APPENDIX B: FEDERAL TELEHEALTH RULES SUMMARY APRIL 2017, CONT'D

**Table 2: Medicare Telehealth Requirements Waived for Selected Models and Demonstrations**

| Requirement                   | Change in Medicare telehealth requirement under waiver   | Applicable models and demonstrations   |
|-------------------------------|--|--|
| Originating site geography    | <p>This waiver removes the requirement that telehealth only occur in</p> <ul style="list-style-type: none"> <li>a rural health professional shortage area,</li> <li>a county that is not included in a Metropolitan Statistical Area, or</li> <li>an entity that participates in a federal telehealth demonstration project (referred to as telemedicine demonstration projects in statute) approved by or receiving funding from the Secretary of Health and Human Services as of December 31, 2000.</li> </ul>   | <p>Bundled Payments for Care Improvement Model<sup>a</sup></p> <p>Comprehensive Care for Joint Replacement Model</p> <p>Episode Payment Models<sup>b</sup></p> <p>Next Generation Accountable Care Organizations</p> |
| Originating site type         | <p>The waiver allows for telehealth services to be furnished in the patient's home or place of residence and eliminates the requirement that the patient receiving telehealth services must be at one of the specified originating sites:</p> <ul style="list-style-type: none"> <li>physician or provider office,</li> <li>critical access hospital,</li> <li>rural health clinic,</li> <li>federally qualified health center,</li> <li>hospital,</li> <li>hospital-based or critical access hospital-based renal dialysis center or satellites,</li> <li>skilled nursing facility, or</li> <li>community mental health center.</li> </ul> <p>The waiver eliminates the requirement to pay originating site fees when telehealth services are provided in the patient's home.</p> | <p>Comprehensive Care for Joint Replacement Model</p> <p>Episode Payment Models<sup>b</sup></p> <p>Next Generation Accountable Care Organizations</p>  |
| Originating site facility fee | <p>The waiver allows participants to receive cost-based payment for telehealth when they are the originating site, rather than the approximately \$25 set fee for originating sites.</p>   | <p>Frontier Community Health Integration Project Demonstration</p>   |

Source: GAO analysis of Medicare statute and Centers for Medicare & Medicaid Services (CMS) regulations. | GAO-17-365

**United States Code Title 40 Subtitle IV—Appalachian Regional Development**

**Sec. 14509. High-speed broadband deployment initiative**

`(a) In General- The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities--

`(1) to increase affordable access to broadband networks throughout the Appalachian region;

`(2) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region;

`(3) to provide technology assets, including computers, smartboards, and video projectors to educational systems throughout the Appalachian region;

`(4) to increase distance learning opportunities throughout the Appalachian region;

`(5) to increase the use of telehealth technologies in the Appalachian region; and

`(6) to promote e-commerce applications in the Appalachian region.

`(b) Limitation on Available Amounts- Of the cost of any activity eligible for a grant under this section--

`(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and



## APPENDIX E: NUMBER OF DATA 2000 CERTIFIED PHYSICIANS BY LOCATION IN VIRGINIA 2016

|               |    |                  |    |                |    |                    |    |               |    |                    |            |
|---------------|----|------------------|----|----------------|----|--------------------|----|---------------|----|--------------------|------------|
| Abingdon      | 6  | Charlottesville  | 8  | Fort Belvoir   | 7  | Marion             | 2  | Powhatan      | 1  | Stafford           | 6          |
| Abingdon      | 3  | Charlotteville   | 1  | Fredericksburg | 7  | Marshall           | 1  | Purcellville  | 1  | Staunton           | 2          |
| Alberta       | 1  | Chesapeake       | 10 | Front Royal    | 4  | Mc Lean            | 1  | Quinton       | 1  | Sterling           | 5          |
| Alexandria    | 24 | Chesterfield     | 11 | Gainesville    | 2  | Mclean             | 2  | Radford       | 1  | Suffolk            | 3          |
| Appalachia    | 2  | Christiansburg   | 7  | Gordonsville   | 1  | Mechanicsville     | 1  | Raven         | 2  | Vienna             | 2          |
| Arlington     | 10 | Colonial Heights | 1  | Hampton        | 15 | Midlothian         | 8  | Reston        | 1  | Virginia Beach     | 35         |
| Ashburn       | 4  | Covington        | 2  | Harrisonburg   | 2  | Nassawadox         | 1  | Richmond      | 56 | Warrenton          | 2          |
| Big Stone Gap | 2  | Culpeper         | 4  | Henrico        | 3  | Newport News       | 10 | Richmond      | 1  | Williamsburg       | 8          |
| Blacksburg    | 7  | Danville         | 3  | Herndon        | 1  | Norfolk            | 7  | Roanoke       | 23 | Willis             | 1          |
| Bristol       | 3  | Duffield         | 5  | Hopewell       | 3  | North Chesterfield | 1  | Rocky Mount   | 1  | Winchester         | 9          |
| Burke         | 2  | Dumfries         | 2  | Lebanon        | 3  | Norton             | 1  | Saint Charles | 1  | Wise               | 2          |
| Cedar Bluff   | 2  | Exmore           | 1  | Leesburg       | 4  | Oakton             | 1  | Salem         | 11 | Woodbridge         | 6          |
| Centerville   | 2  | Fairfax          | 18 | Lorton         | 1  | Parksley           | 2  | Saltville     | 2  | Wytheville         | 4          |
| Centreville   | 4  | Falls Church     | 14 | Lynchburg      | 11 | Petersburg         | 2  | South Hill    | 2  | Yorktown           | 1          |
| Centreville   | 1  | Farmville        | 1  | Lynchburg      | 1  | Portsmouth         | 6  | South Riding  | 1  | <b>Grand Total</b> | <b>477</b> |
| Chantilly     | 1  | Fishersville     | 2  | Manassas       | 6  | Pound              | 2  | Springfield   | 3  |                    |            |