

From: [Erie County Medical Society](#)
To: [Tineke Hall](#)
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Better Health Through Advocacy If Not You...Who? TM

Physician Alert

A publication to keep our Member Physicians, their Practice Manager and office staff abreast of relevant information regarding **COVID-19 for Erie County.**

We are closely monitoring the response to COVID-19 and how it affects our member physicians. We just received the following information and will keep you informed as we receive updates. We are awaiting responses from some of the local payors.

This is the information we have received from CMS, the AMA and Blue Cross/Blue Shield of WNY:

From CMS:

On March 13, 2020, President Trump announced an emergency declaration under the Stafford Act and the National Emergencies Act. Consistent with President Trump's emergency declaration, CMS is expanding Medicare's telehealth benefits under the 1135 waiver authority and the Coronavirus Preparedness and Response Supplemental Appropriations Act. This guidance and other recent actions by CMS provide regulatory flexibility to ensure that all Americans—particularly high-risk individuals—are aware of easy-to-use, accessible benefits that can help keep them healthy while helping to contain the spread of coronavirus disease 2019 (COVID-19).

To keep up with the important work the Task Force is doing in response to COVID-19 click here <https://protect2.fireeye.com/url?k=1dc3b044-4196b994-1dc3817b-0cc47a6a52de-daff918c3d41b4a0&u=http://www.coronavirus.gov/>. For information specific to CMS, please visit the [Current Emergencies Website](#).

From the AMA:

In light of the COVID-19 nationwide public health emergency, the HHS Office for Civil Rights (OCR) is exercising its enforcement discretion and, effective immediately, will not impose penalties on physicians using telehealth in the event of noncompliance with the regulatory requirements under the Health Insurance Portability and Accountability Act (HIPAA).

Physicians may seek to communicate with patients and provide telehealth services through remote communications technologies. Some of these technologies, and their use, may not fully comply with the requirements of the HIPAA Rules.

However, today's announcement means that physicians who want to use audio or video communication technology to provide telehealth to patients during the COVID-19 nationwide public health emergency

can use any non-public facing service that is available to communicate with patients. This exercise of discretion applies to telehealth provided for any reason, regardless of whether the telehealth service is related to the diagnosis and treatment of health conditions related to COVID-19.

For example, a physician using their professional judgment may request to examine a patient exhibiting COVID-19 symptoms, using a video chat application connecting the physician's or patient's phone or desktop computer in order to assess a greater number of patients while limiting the risk of infection of other persons who would be exposed from an in-person consultation. Likewise, a physician may provide similar telehealth services in the exercise of their professional judgment to assess or treat any other medical condition, even if not related to COVID-19, such as a sprained ankle, dental consultation or psychological evaluation, or other conditions.

Under this Notice, physicians may use popular applications that allow for video chats, including Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, or Skype to provide telehealth without risk that OCR might seek to impose a penalty for noncompliance with the HIPAA Rules. Physicians should not use Facebook Live, Twitch, TikTok or other public facing communication services. Physicians are encouraged, but not required, to notify patients of the potential security risks of using these services and to seek additional privacy protections by entering into HIPAA business associate agreements (BAA). HHS also noted that while it hasn't confirmed such statements, Skype for Business, Updox, VSee, Zoom for Healthcare, Doxy.me, and Google G Suite Hangouts have said that their products will help physicians comply with HIPAA and that they will enter into a HIPAA BAA.

Additional information can be found [at this notice from Department of Health and Human Services \(HHS\)](#).

From Blue Cross/Blue Shield of WNY:

Information Regarding COVID-19 (Coronavirus)

BlueCross BlueShield of Western New York is closely monitoring the COVID-19 (Coronavirus) situation. The health and well-being of our members is our top priority, and we remain committed to ensuring our members and customers have access to the care and information they need.

[From Blue Cross/Blue Shield's FAQ page:](#)

[Can I offer telehealth services to my patients?](#)

- We are strongly encouraging our members to utilize their telehealth benefit to avoid leaving their homes and promoting the spread of the coronavirus
- In support of this, we are expanding access to telehealth for our members
- We are relaxing the video requirements for telehealth and will temporarily reimburse telephonic services with an 02 place of service when clinically appropriate (eg. wellness care continues to require an office visit encounter)
 - **Note:** to receive payment for telephonic services, a SOAP note must be documented in your EMR
- For your Medicare Advantage patients, we will be temporarily lifting the rural requirement for telehealth
 - **Note:** A GT modifier is still needed for any Medicare telehealth visits
- In addition to telehealth services your office may offer, many of your BlueCross BlueShield patients can access **telemedicine through Doctor on Demand®** with no member out-of-pocket costs.
- You can direct them to visit [DoctorOnDemand.com](https://www.doctorondemand.com) to get started

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