# State Checklist

The following checklist of policy questions is intended to serve as a tool for states to assess telehealth in their state. Consideration should be given to populations, services, providers, payment rates, technology, and other areas as noted below.

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| **Category** | **Questions** | **State Policy Reference (Statute, Regulation, etc.), If Applicable** | **Next Step** |
| **Populations** | Can a new patient-provider relationship be established via telehealth? | Enter state policy references for populations. | Enter next steps for populations. |
|  | Are there limitations on what type of technology can be used to obtain consent? | Enter state policy references for populations. | Enter next steps for populations. |
|  | Are there language or other communication needs unique to different populations? | Enter state policy references for populations. | Enter next steps for populations. |
|  | Are there limitations on the populations who may receive services delivered via telehealth? | Enter state policy references for populations. | Enter next steps for populations. |

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| **Services** | What specific services are eligible for reimbursement via telehealth?   * Are there some CPT codes that cannot be billed for telehealth? * Does ability to bill differ by service provider type, such as behavioral health provider or by telehealth modality? | Enter state policy references for services. | Enter next steps for services. |
|  | Are Medicaid Managed Care plans obligated to cover the same service/provider/telehealth modality as Medicaid FFS? | Enter state policy references for services. | Enter next steps for services. |
|  | Is it necessary to address the needs of Federally Qualified Health Centers, especially when dealing with Ambulatory Patient Grouper (APG), Diagnosis Related Grouper (DRG), or other bundled codes? | Enter state policy references for services. | Enter next steps for services. |
|  | How are direct support professionals being utilized? Are these practitioners eligible to use telehealth in service delivery? | Enter state policy references for services. | Enter next steps for services. |

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| **Services** | Are there any additional documentation requirements associated with delivering services via telehealth? Should there be? Do those additional requirements negatively affect the utilization of telehealth? | Enter state policy references for services. | Enter next steps for services. |
|  | How does telehealth service delivery affect Medicaid services addressing Social Determinants of Health? | Enter state policy references for services. | Enter next steps for services. |
| **Providers** | Are there any state definitions or restrictions on which specific providers or practitioners are eligible to bill for telehealth services? Does this differ by the telehealth modality? | Enter state policy references for providers. | Enter next steps for providers. |
|  | Does the specific scope of practice for any provider or practitioner type preclude delivery of care via telehealth? What could change to facilitate telehealth adoption? | Enter state policy references for providers. | Enter next steps for providers. |

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| **Providers** | What training is necessary for providers or practitioners to be able to deliver services via telehealth? Does this training vary based on provider or practitioner and/or technology?  How often is re-training available and/or required? | Enter state policy references for providers. | Enter next steps for providers. |
|  | Are there any limitations in your state statutes/regulations on what out-of- state providers or practitioners can do via telehealth in your state? | Enter state policy references for providers. | Enter next steps for providers. |
|  | Are there any limitations in your state statutes/regulations on what providers or practitioners in your state can deliver services via telehealth in other states? | Enter state policy references for providers. | Enter next steps for providers. |
| **Payment Rates** | Are there limitations or restrictions on the ability of providers to receive payment for providing telehealth services? | Enter state policy references for payment rates. | Enter next steps for payment rates. |
| **Payment Rates** | Are rates for telehealth adequate to ensure that additional costs associated with telehealth care are covered? | Enter state policy references for payment rates. | Enter next steps for payment rates. |

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| **Payment Rates** | Do rates factor in appropriate expenses that may be incurred at the beneficiary’s location? For example, medical devices used to measure and transmit automated blood pressure readings. | Enter state policy references for payment rates. | Enter next steps for payment rates. |
| **Payment Rates** | Are providers aware that they may be paid for services delivered through telehealth? | Enter state policy references for payment rates. | Enter next steps for payment rates. |
| **Technology** | Are there any state-based privacy laws that exceed HIPAA standard? | Enter state policy references for technology. | Enter next steps for technology. |
|  | States should consider their own state privacy laws: are there state laws that may impact telehealth such as a functional limitation on a specific distant/originating site? | Enter state policy references for technology. | Enter next steps for technology. |
|  | Does the state permit school-based health centers to be originating sites for telehealth visits? | Enter state policy references for technology. | Enter next steps for technology. |
|  | Which providers or practitioners can provide care, including therapy via telehealth? | Enter state policy references for technology. | Enter next steps for technology. |

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| **Managed Care** | Are managed care plans required to cover all telehealth services that are available in fee-for-service Medicaid? | Enter state policy references for managed care. | Enter next steps for managed care. |
|  | Are there any cost sharing requirements in Medicaid? Are they the same/different in Medicaid Managed Care? Do they apply to telehealth visits, too? | Enter state policy references for managed care. | Enter next steps for managed care. |
|  | Do managed care rates and contracts need to be amended to reflect utilization of telehealth? | Enter state policy references for managed care. | Enter next steps for managed care. |
| **Additional Telehealth Considerations** | Are there any limitations on the use of telehealth by geographic location and/or proximity to provider locations? This could include references to metropolitan statistical areas, Health Provider Shortage Areas, or other geographic limitations on the use of telehealth. | Enter state policy references for additional considerations. | Enter next steps for additional considerations. |
|  | Do originating sites include a patient’s home? | Enter state policy references for additional considerations. | Enter next steps for additional considerations. |

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| **Additional Telehealth Considerations** | Do originating sites—especially a licensed facility—require a telepresenter? If so, how is the service billed and by whom? | Enter state policy references for additional considerations. | Enter next steps for additional considerations. |
|  | Do distant sites include physician’s home or other non-licensed facilities? | Enter state policy references for additional considerations. | Enter next steps for additional considerations. |
|  | Do eligible distant sites differ by provider type (e.g. primary care provider vs. psychiatrist)? | Enter state policy references for additional considerations. | Enter next steps for additional considerations. |
|  | Can either an originating or a distant site bill a facility fee? Under what circumstances? | Enter state policy references for additional considerations. | Enter next steps for additional considerations. |
|  | What accessibility requirements exist for delivering care via telehealth, particularly with regard to language or disability? Are these requirements incumbent on all providers or are there differences based on provider type, licensure, or location? | Enter state policy references for additional considerations. | Enter next steps for additional considerations. |

# CMS Contact Information

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