Webinar Format

The webinar will begin shortly.

- To minimize background noise, participants will be muted throughout the webinar. If you would like to submit a question or comment to the presenters, please type it into the questions pane on the webinar control panel. The presenters will answer questions as time allows.

- If you have technical difficulties during the webinar, please contact Shannon Doty (sdoty@apa.org).

- If you have issues viewing/hearing the webinar, logout and dial-in using the information in your confirmation email.

COVID-19 Town Hall

With a Special Focus on the Ethical and Legal Considerations around Telehealth

Dr. Sandra L. Shullman, 2020 APA President
Dr. Arthur C. Evans, Jr., APA CEO

Featuring special guests:
Jared L. Skillings, PhD, ABPP – Chief of Professional Practice, APA
Deborah C. Baker, JD – Director of Legal and Regulatory Policy

American Psychological Association

MAY 27, 2020
Time to...

- CONNECT
- SUPPORT
- SHARE
- ASK
- EXPLORE
The Current Challenge and What Lies Ahead
Utilize psychology to make a positive impact on critical societal issues.

Elevate the public’s understanding of, regard for, and use of psychology.

Prepare the discipline and profession of psychology for the future.

Strengthen APA’s standing as an authoritative voice for psychology.
A Population Health Approach

- Universal
- Selective
- Indicated
Legal, Regulatory and Ethical Issues related to Telehealth

Jared L. Skillings, PhD, ABPP
Chief of Professional Practice, APA

Deborah C. Baker, JD
Director of Legal & Regulatory Policy, APA Practice
What laws or policies govern telehealth?

- Federal laws or policies
- State laws or policies
- Professional or clinical guidance
- Organizational policies
- Payer policies

Ethical Considerations
### What does telehealth mean?

<table>
<thead>
<tr>
<th>How is it defined?</th>
<th>What technology apps or platforms are included in the definition?</th>
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<tbody>
<tr>
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<td>What kinds of services or uses are included in the definition?</td>
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<td>What kinds of health care providers are included?</td>
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<td>What kinds of settings are included?</td>
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</table>
What questions should I be asking?

- Does the clinical research support intervention/technology use?
- Are there relevant payer policies affecting coverage & payment?
- What are the patient privacy & security compliance issues?
- What are the licensing or other legal and ethical issues?

See FAQs for providing telehealth services on APA Practice Information Hub
Telepractice & Ethical Considerations

- Are you (psychologist) competent to use the chosen technology to provide health care services?
- Is telehealth reasonable for your patient?
  - Clinical
  - Cognitive
  - Technological
  - Linguistic
  - Cultural
  - Socio-economic status
  - Physical
- Informed consent discussion with the patient
  - Benefits/potential risks of telehealth
  - Limitations to patient confidentiality
  - Patient education
  - Emergency planning
  - Billing/payment issues
PAYOR CONSIDERATIONS (PRE-COVID 19)

MEDICARE
- Only Medicare beneficiaries in underserved areas
- Only approved originating sites (clinical sites)
- Only approved providers (psychologists included)
- Only videoconferencing
- No separate CPT codes → use Place of Service (POS) 02 modifier

MEDICAID
- Telemental health coverage is determined by individual state Medicaid program
- All 50 states’ Medicaid programs have some type of coverage for telemental health services
- No separate CPT codes

PRIVATE PAYOR
- Many larger insurance companies cover telehealth services
- But reimbursement rates may vary compared to in-person services
- Typically, “telehealth” is defined as audio-videoconferencing, but not phone, fax or email
- No separate CPT codes → use “95” modifier
HIPAA Compliance is Critical (Pre-COVID 19)

- **Privacy Rule** = what disclosures of confidential patient health information are permitted
- **Security Rule** = how you collect, transmit, store and dispose of digital patient health information
  - **Business Associate Agreement (BAA)** is important for telepsychology platform vendor or any other 3rd party supplier having access to your patients’ data
- **Breach Notification** = what to do in the event of a data breach involving patient health information
Typically, psychologists can provide telepsychological services **within** states where they’re licensed.

Some states have a temporary practice provision.

**Coming soon** – Psychology Interjurisdictional Compact (PSYPACT) will be accepting applications for interstate telepsychological practice and temporary in-person practice.

- 14 states have endorsed PSYPACT
- 15 more states considering PSYPACT legislation
Practice Advocacy Wins – Temporary Telehealth Expansions

**HHS/CMS**

- HHS Office of Civil Rights is temporarily relaxing its enforcement authority for HIPAA compliance
- CMS lifted geographic and originating site restrictions for Medicare telehealth
- CMS expanded list of eligible telehealth services to include HBAI services, psychological & neuropsychological services, telephone management services
- CMS has allowed audio-only phone services

**Medicaid/Private Payor**

- Expanded telehealth coverage & reimbursement for private health insurance
- Expanded telehealth coverage & reimbursement for Medicaid
- Patient’s home = eligible originating site
- Audio-only phone permitted
- Temporary interstate practice licensure waivers
What’s next?

**Advocacy at state level**
- Collaboration with state psychological associations
- Continuation of expanded telehealth coverage & reimbursement policies for 12-month transition period following end of national public health emergency
- Identify temporary telehealth expansions to advocate private payors to make permanent
- Monitor expiration of executive orders/licensure waivers
- Collaboration with ASPPB in advocating for PSYPACT adoption
- Monitor state actions on health care provider immunity issue

**Advocacy at federal level**
- Continuation of expanded telehealth coverage & reimbursement policies for 12-month transition period following end of national public health emergency
- Identify temporary telehealth expansions to advocate CMS to make permanent for Medicare
LET’S HAVE A CONVERSATION

Please type your question into the Q&A pane on the webinar control panel. The presenters will answer questions as time allows.
For COVID-19 Information & Resources

www.apa.org/covid-19

• APA Guidelines for the Practice of Telepsychology
• Office & Technology Checklist for Telepsychological Services
• Informed Consent Checklist for Telepsychological Services
• Sample Informed Consent for Resuming In-Person Services
• When is it OK to Resume In-Person Services?
• Billing for Psychological Services Provided during the COVID-19 Public Health Emergency
• Psychology Interjurisdictional Compact (PSYPACT)
Please complete the survey that you will receive at the conclusion of this webinar.

Additional questions or comments?
Email membership@apa.org
Please register here for upcoming town halls in this series.

Wednesdays at 1pm EST

UP NEXT WEEK
June 3, 2020

APA Town Hall focused on the Challenges Facing State, Provincial & Territorial Psychological Associations (SPTA)

Featuring leaders from
APA’s Division 31 (State, Provincial & Territorial Affairs)
Council of Executives of State & Provinical Psychological Associations (CESPPA)