

State communication

A message from Louisiana Department of Health

Informational Bulletin 20-7 Revised March 16, 2023

Due to the COVID-19 emergency declaration, temporary changes in provider policy and managed care practices are reflected herein to respond to the emergency. All other non-COVID-19 related policy remains in effect and shall be followed.

Telemedicine/Telehealth Facilitation of Outpatient Substance Use Disorder (OP-SUD) Treatment Services during the COVID-19 Declared Emergency

The Louisiana Department of Health (LDH) acknowledges the need for the continued facilitation of Outpatient Substance Use Disorder (OP-SUD) treatment services during the COVID-19 declared emergency. As in-person intervention is the only approved method for providing OP-SUD treatment services by providers rendering American Society of Addiction Medicine (ASAM) level services under normal circumstances, an allowance to deliver these services via an alternate method is required during the COVID-19 declared emergency. LDH is issuing approval effective for dates of service beginning on or after **March 21, 2020**, which will remain in effect until rescinded by LDH.

The Biden Administration announced the public health emergency is set to expire on May 11, 2023. Beginning May 12, 2023, the requirements in the Medicaid Behavioral Health Services Provider Manual will resume. As stated in the Manual currently posted for public comment, licensed mental health professionals (LMHP) may provide assessments, evaluations, individual psychotherapy, family psychotherapy and medication management within an intensive outpatient or outpatient substance use treatment setting, through telemedicine/telehealth; assessments and evaluations conducted by an LMHP through telehealth should include synchronous, interactive, real-time electronic communication comprising both audio and visual elements, unless clinically appropriate and based on documented member consent effective May 12, 2023. NOTE: Methadone admission visits conducted by the admitting physician within Opioid Treatment Programs are not allowed via telehealth.

The Medicaid Behavioral Health Services Provider Manual can be found at the following link: https://www.lamedicaid.com/provweb1/providermanuals/BHS_main.htm.

Provider responsibilities when providing services delivered through telehealth include:

- The provider shall deliver telehealth services in accordance with all state and federal laws, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and any HIPAA related directives from the Office for Civil Rights at the Department of Health and Human Services.
- The provider shall deliver telehealth services in accordance with rules set forth by their respective professional licensing board and accepted standards of clinical practice.

<https://provider.healthyblue.com>

Healthy Blue is the trade name of Community Care Health Plan of Louisiana, Inc., an independent licensee of the Blue Cross Blue Shield Association.

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- The provider shall maintain documentation for the services delivered through the use of telehealth and document the specific telehealth modality used.
- The provider shall use the appropriate procedure code, modifiers, and place of service codes.

Psychological testing and group therapy provided by an LMHP shall be delivered through an in-person service delivery method effective May 12, 2023, unless otherwise allowed per the Manual or subsequent LDH-issued notice.

General Considerations

Telemedicine/telehealth does **not** exempt providers from any of the service requirements or record keeping as set forth in the [Medicaid Behavioral Health Services Provider Manual](#). Additional record keeping is mandated during the COVID-19 declared emergency as described further in this bulletin. LDH will **not** waive licensure or accreditation requirements for agencies providing OP-SUD treatment services. Providers must meet agency and staff qualifications and requirements for delivering OP-SUD treatment services, as established in the Medicaid Behavioral Health Services Provider Manual. Licensed mental health practitioners providing services in OP-SUD treatment service agencies must also follow rules and regulations established by their respective professional licensing boards.

Services must be medically necessary as determined by a physician or a fully licensed mental health professional (LMHP). OP-SUD treatment services being expanded to allow telemedicine/telehealth include the Medicaid reimbursable services as listed in the [Medicaid Behavioral Health Services Provider Manual](#) across all levels of staffing (licensed and non-licensed staff).

When using telemedicine/telehealth, please follow these guidelines:

- Confidentiality still applies for services delivered through telemedicine/telehealth. This session must **not** be recorded without consent from the recipient or authorized representative.
- Develop a back-up plan (e.g., phone number where recipient can be reached) to restart the session or to reschedule it, in the event of technical problems.
- Develop a safety plan that includes at least one emergency contact and the closest emergency room (ER) location, in the event of a crisis.
- Verify recipient's identity, if needed.
- Providers need the consent of the recipient and the recipient's parent or legal guardian (and their contact information) prior to initiating a telemedicine/telehealth service with the recipient if the recipient is 18 years old or under.
- The recipient must be informed of all persons who are present and the role of each person.
- Recipients may refuse services delivered through telehealth or request that services be delivered in-person. In these cases, the provider must provide an in-person service or refer to an equally qualified licensed practitioner.
- It is important for the provider and the recipient to be in a quiet, private space that is free of distractions during the session.

Communication Requirements

During this COVID-19 declared emergency, LDH is issuing approval for the delivery of OP-SUD services via telemedicine/telehealth communications. Providers offering services via telemedicine/telehealth

must use a secure, HIPAA-compliant platform, if available. If not available during the public health emergency, providers may use everyday communication technologies, including audio-only delivery of telemedicine/telehealth services (e.g. telephone) or use of videoconferencing (e.g. Skype, FaceTime) programs that have reasonable security and privacy measures, with each recipient's consent. NOTE: Effective May 12, 2023, services provided by an LMHP using telehealth must include a secure telecommunication system which is compliant with HIPAA requirements. Facebook Live, Twitch, TikTok, and similar video communication applications are public facing and must **not** be used for telemedicine/telehealth services. Audio-only delivery is allowed only in situations where an audio/video system is not available or not feasible and when provided in a manner that is consistent with the applicable requirements of HIPAA. Although a combined audio/video system is preferred, LDH is allowing OP-SUD providers to practice telemedicine/telehealth through telephonic communications **when appropriate.** Texting and emails are not approved forms of telemedicine/telehealth. At minimum, there must be an audio connection. Providers must adhere to all telemedicine/telehealth-related requirements of their professional licensing board.

There is currently no formal limitation on the originating site (i.e., where the recipient is located) and this can include, but is not limited to, a healthcare facility, a school or the recipient's home. Regardless of the originating site, providers must maintain adequate medical documentation to support reimbursement of the visit.

Assessments and Re-evaluations

LDH is issuing approval to utilize telemedicine/telehealth for conducting substance use disorder screenings and assessments until May 11, 2023. Effective May 12, 2023, only LMHPs and psychiatrists may continue to conduct substance use disorder screenings and assessments via telemedicine/telehealth.

Group Therapy

Telemedicine/telehealth may be utilized for OP-SUD treatment groups, if this service is related to the recipient's goals, objectives, and interventions in the treatment plan until May 11, 2023. Effective May 12, 2023, OP-SUD treatment groups must be provided through an in-person service delivery method. There is a risk for other group members of being overheard by anyone near the recipient. The recipient should attempt to be in a private room while participating in group via telemedicine/telehealth. The recipient should agree to not disclose to anyone outside the group any information that may help to identify another group member. Given the risks stated, the recipient must agree to waive confidentiality prior to beginning sessions. Providers must document that the recipient waived confidentiality in the notes for the session. While audio-visual technologies are preferred, audio-only may be used if clinically indicated and medically necessary. Providers must adhere to all telemedicine/telehealth-related requirements of their professional licensing board.

Documentation

Informed Consent for Telemedicine/Telehealth:

Providers must have informed consent to deliver telemedicine/telehealth services. The consent must include the following.

A recipient's authorization to receive telemedicine/telehealth services after a discussion of the following elements:

1. The rationale for using telemedicine/telehealth in place of in-person services.
2. The risks and benefits of the telemedicine/telehealth, including privacy-

related risks.

3. Possible treatment alternatives and those risks and benefits.
4. The risks and benefits of no treatment.

Confidentiality Agreements:

If a recipient participates in group therapy via telemedicine/telehealth, there must be a confidentiality agreement, including the requirement to protect the privacy of others receiving treatment, that is acknowledged and signed. See guidance below concerning signatures.

Progress Notes:

Providers should record all aspects of telephonic, telehealth and/or face-to-face encounters in the recipient's clinical record, including, but not limited to the following:

- Name of recipient and any others present/participating.
- Dates and time of service contacts (include both start and stop times).
- Content of each delivered service, including the reason for the contact describing the goals/objectives addressed during the service, specific intervention(s), progress made toward functional and clinical improvement.
- Specific intervention(s) provided, including any units of service provided.
- Service location for each intervention. ***It must be documented that the service is being conducted via telemedicine/telehealth. For use of an audio-only system, the rationale for employing an audio-only system must be documented in the clinical record.***
- Crisis plan, ***including any changes related to COVID-19 risks.***
- ***Any new treatment plan interventions, goals and objectives related to treatment and/or COVID-19-related risks.***
- ***Any referral of recipients to healthcare providers for further screening, testing or treatment of COVID-19 symptoms or history.***
- ***Document a back-up plan (e.g., phone number where recipient can be reached) to restart the session or to reschedule it, in the event of technical problems.***
- ***Document a safety plan that includes at least one emergency contact and the closest ER location, in the event of a crisis.***
- ***Document verification of the recipient's identity, if needed.***
- ***Document the recipient is informed of all persons who are present and the role of each person.***
- ***Document if recipient refuses services delivered through telehealth.***
- ***Document the consent of the recipient and the recipient's parent or legal guardian (and their contact information) prior to initiating a telemedicine/telehealth service with the recipient if the recipient is 18 years old or under.***
- Name and functional title of person making record entry and providing service.

Documents Requiring Recipient Signature:

Providers must verbally review and discuss the documents requiring recipient signature (e.g. treatment plan, informed consent, confidentiality agreement) with the recipient/recipient's family during the telemedicine/telehealth visit.

The provider will be required to indicate the recipient/recipient's family participation, if appropriate, as well as their agreement. The provider shall document as such on the signature line of the document (e.g. treatment plan) and in the corresponding progress note (if applicable) that includes the date and time

of the meeting. When possible (i.e. at the next in person treatment planning meeting), providers should have the recipients sign all documents that had verbal agreements.

Staff Supervision

Staff supervision must continue to follow published guidelines in the [Medicaid Behavioral Health Services Provider Manual](#). Supervision may follow the same guidelines as service delivery with regard to the manner of communication. Supervision must use a secure, HIPAA-compliant platform, if available. If not available during the public health emergency, providers may use everyday communication technologies, including audio-only supervision (e.g. telephone) and use of videoconferencing (e.g. Skype, FaceTime) programs that have reasonable security measures. NOTE: Effective May 12, 2023, supervision must be provided using a secure HIPAA-compliant platform. Facebook Live, Twitch, TikTok, and similar video communication applications are public facing and must **not** be used for supervision. Audio-only delivery is allowed only in situations where an audio/video system is not available or not feasible, and when provided in a manner that is consistent with the applicable requirements of HIPAA. Texting and emails are not approved forms of supervision. At minimum, there must be an audio connection. These temporary measures still require adherence to other requirements that apply to staff supervision.

Authorizations

An existing prior authorization does not need an addendum to be eligible for telemedicine/telehealth delivery. Requirements for reimbursement are otherwise unchanged from the [Medicaid Behavioral Health Services Provider Manual](#).

From March 20, 2020 through April 30, 2021, LDH issued approval for MCOs to extend existing PAs for OP-SUD treatment services that reach the end of the authorization period during the COVID-19 declared emergency, **IF** a prior authorization (PA) is required by the recipient's MCO for OP-SUD treatment services. **Beginning May 1, 2021 PAs will return to each MCO's standard operating procedure.** MCOs may request documentation from providers to be aware of continuation of services, any needs for continued service continuity, or perhaps even needs to expand service coordination. New requests should follow standard processes in place with the recipient's MCO.

Billing and Reimbursement

For ~~these~~ services delivered through telehealth, the providers must bill the procedure code (HCPCS codes) with modifier "95," as well as Place of Service "02" (other than home) or 10 (home). Reimbursement for visits delivered via telemedicine/telehealth is similar to in-person visits, subject to any terms and conditions in provider contracts with Medicaid managed care entities.

The new Place of Service code 10, "telehealth provided in patient's home," can be used effective date of service January 1, 2022 going forward. Providers should contact their contracted MCO for information that may affect billing procedures and reimbursement rates.

Claims processing systems will be updated by April 2, 2020. Before that date, providers should continue to submit claims and they will be recycled with no action needed by the provider. Providers must indicate place of service "02" (other than home) or 10 (home) and must append modifier "95."

In-Person Encounters

It is ***strongly recommended*** that all behavioral healthcare practitioners be vaccinated, unless there is a medical contraindication.

Resources

Providers may find more information about the coronavirus (COVID-19), including tips and resources for healthcare providers, by visiting <http://ldh.la.gov/Coronavirus/>. Specific information for providers is located here: <http://ldh.la.gov/index.cfm/page/3880>.

Providers interested in learning more about telemedicine/telehealth can find a toolkit [here](#). There are 14 videos on Practice and Clinical Issues. These focus on the efficacy of telehealth and tips on making clinical interventions successful and would be helpful for agency owners, professional and non-professional staff. They are all very short and include a written summary of video content.

- [Child and Adolescent Telepsychiatry](#)
- [Clinical Documentation](#)
- [Clinical and Therapeutic Modalities](#)
- [Geriatric Telepsychiatry](#)
- [Individual Models of Care](#)
- [Inpatient Telepsychiatry](#)
- [Patient Safety and Emergency Management](#)
- [Rural and Remote Practice Settings](#)
- [Standard of Care and State Based Regulations](#)
- [Telepsychiatry Practice Guidelines](#)
- [Team Based Integrated Care](#)
- [Team Based Models of Care](#)
- [Use of Telepsychiatry in Cross-Cultural Settings](#)
- [Visual and Non-Verbal Considerations](#)