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CMS Proposed Rule Expands MA Telehealth Coverage to All Part B Services, All Regions

By Nina Youngstrom

Telemedicine would have equal footing to in-person visits under Medicare Advantage in the 2020 plan year under a proposed regulation with policy and technical changes for MA, which was published in the *Federal Register* Nov.

1. CMS would require MA plans to pay for the telehealth version of all covered Part B in-person services. The kicker: MA plan enrollees would be eligible for telehealth services whether they live in urban, suburban or rural areas, and they could receive them from home, freed from the geography ties that bind telehealth under Original (fee-for-service) Medicare.

“That is huge,” says attorney Sidney Welch, with Akerman in Atlanta, Georgia. “It’s great in the sense so many providers are now in the throes of telehealth programs and they have the ability to get those services reimbursed fully” by MA plans. And this represents “a shift in thinking,” she says. “We are getting over the hump of suspicion that telehealth services aren’t as good as in-person touch and seeing the value of services outweighing the fear of fraud.” But providers shouldn’t get complacent because telehealth already has attracted more audit and enforcement attention. For example, a Connecticut psychiatrist in 2016 settled a false claims case over Medicare charges for telephone consults with beneficiaries in an urban area (RMC 8/1/16, p. 1). The potential for abuse with telehealth “isn’t going unnoticed by the government,” she says. In April, the HHS Office of Inspector General reported finding a significant error rate on a sample of telehealth claims in Original Medicare.

In light of the significant move the regulation represents, maybe the government will open telehealth doors wider for the rest of the Medicare population, says Douglas Grimm, an attorney with Arent Fox in Washington, D.C. “This is a quantum leap,” he says. “What they are proposing to do for MA plans is hopefully a stepping stone for traditional Medicare for the future.”

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