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House Bill 4 Medicaid and CHIP Teleservices Implementation

April 30, 2022

Existing Fee-for- Service Teleservices (Audio-Visual) Benefits (1 of 2)

Allowed for Telemedicine and Telehealth

- Evaluation and management services
- Psychotherapy
- End-stage Renal Disease services
- Federally Qualified Health Center visit



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Existing Fee-for- Service Teleservices (Audio-Visual) Benefits (2 of 2)

Telemedicine Only

- Inpatient consultation
- Follow-up inpatient consultation

Telehealth Only

- Psychotherapy services
- Medical Nutrition Therapy
- School Health and Related Services



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Existing Managed Care Teleservice Benefits

- Senate Bill 670, 86th Legislative Session, Regular Session, 2019, prohibits Medicaid health plans from denying reimbursement for telemedicine or telehealth services solely because the service was delivered remotely.
- Health plans should use clinical and cost effectiveness, among other factors, in making their coverage determinations.



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COVID-19 and House Bill 4

- To ensure continuity of care for Texas Medicaid members during the COVID-19 public health emergency (PHE), the Health and Human Service Commission (HHSC) authorized the use of telemedicine, telehealth, and audio-only platforms to deliver a range of services, including office visits and behavioral health services.
- House Bill 4 (87th Regular Legislative Session, 2021) seeks to make permanent many of the telehealth PHE flexibilities implemented by HHSC and to further use of teleservices overall, if clinically effective and cost-effective.



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HB4 Teleservices Requirements (1 of 2)



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Section	Requirement
1. Rural Health Clinics	Reimburse RHCs as distant site and patient site providers of telemedicine and telehealth services.
2. Benefits and Services	Allow the following services to be delivered via telemedicine and telehealth so long as they are clinically effective and cost-effective* : <ul style="list-style-type: none">• Preventive health and wellness services• Case management services, including targeted case management• Behavioral health services; with a focus on allowing audio-only services• Occupational, physical, and speech therapies• Nutrition counseling• Assessment services, including assessments under 1915(c) waivers

*HHSC is prioritizing analysis of flexibilities allowed under the PHE.

HB4 Teleservices Requirements (2 of 2)



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Section	Requirement
3. Home Telemonitoring Service	Authorize MCOs to provide home telemonitoring services to clients with conditions not specified in the Texas Government Code.
6. Improve Access to Care in Managed Care	Establish policies and procedures to improve access to care under the Medicaid managed care program by encouraging the use of telehealth services, telemedicine medical services, home telemonitoring services, and other telecommunications or information technology under the program.
6. Managed Care Service Coordination and Member Assessments	The Commission will establish criteria for remote delivery of service coordination and member assessments for certain members where allowable under federal law and clinically effective.
7. CHIP Telehealth	Adds telehealth to existing statute for the Children's Health Insurance Program (CHIP) statute where it previously only referred to telemedicine.

Framework for Assessing Services



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Evaluation Category	Assessment Question
Clinical Effectiveness	Are there indications (standards of practice, expert clinical opinion, professional judgement of subject matter experts, clinical guidance, medical evidence) that the service is less clinically effective when provided via audio/audio-visual than in person?
Cost Effectiveness	Is there any data indicating that the service itself is more expensive when provided via audio/audio-visual than in person?
Health & Safety	Are there reasons to believe that the service would pose a health and safety risk to members if provided via audio/audio-visual rather than in person?
Member Choice & Access	Would member choice and access be negatively impacted if the service is provided via audio/audio-visual rather than in person?
Federal/State Laws (includes licensure)	Are there federal or state laws or regulations (including licensure requirements) that prevent the service from being delivered via audio/audio-visual?
Other	Are there any other reasons for concern about offering the service via audio/audio-visual rather than in person?

Anticipated Outcomes

- Increased client access to care via telemedicine, telehealth, and audio-only service modalities.
- Expanded access to care for Medicaid members, especially for members in rural areas.
- Continued access to services via telecommunications after the public health emergency.



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Interim Guidance

- Interim guidance allows a policy to be implemented while public comment, rule development, and contract amendment processes are in progress.
- This can provide a bridge between a flexibility allowed temporarily in a public health emergency and ongoing policy.



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Winter Notices Issued (1 of 2)

- **Managed Care Organizations (MCO)**
 - Medicaid MCO Reminder – SB 670
 - CHIP Notice
 - Behavioral Health Audio-Only Services
- **FFS Interim Guidance**
 - Healthy Texas Women (HTW) allows telemedicine/telehealth
 - Therapies
 - Several physical, occupational, and speech therapy services
 - Audio-only is not allowed
 - Also allowed for the Intellectual and Developmental Disability (IDD) Waiver Programs



Winter Notices Issued (2 of 2)

- **FFS Interim Guidance** (cont.)
 - Behavioral Health
 - Substance Use Disorder (SUD) counseling and assessment audio-visual
 - Screening, Brief Intervention, and Referral to Treatment (SBIRT) Services audio-visual and audio-only
 - Health and Behavior Assessment and Intervention (HBAI) audio-visual and audio-only



Spring Notices Issued (1 of 3)

- Rural health clinic (RHC) distant services for telemedicine and telehealth and patient site fees for telemedicine
- FFS Interim Guidance
 - School Health and Related Services
 - HTW distant services for RHCs and federally qualified health centers
 - HTW Plus
 - SUD counseling and assessment audio-visual
 - Psychotherapy, Peer Specialist Services, and SBIRT audio-visual and audio-only



Spring Notices Issued (2 of 3)

- FFS Interim Guidance
 - Behavioral Health - synchronous audio-visual or telephone (audio-only) delivery for
 - Psychiatric Diagnostic Evaluation with and without medical services
 - Psychotherapy (individual, family, and group)
 - Peer Specialist Services
 - Mental Health Rehabilitation Services, excluding day programming for acute care needs
 - Mental Health Targeted Case Management Services
 - Psychiatric Evaluation & Management Services and Pharmacological Management Services for psychiatric care only



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Spring Notices Issued (3 of 3)

- IDD Waiver Programs Interim Guidance
 - Community Living Assistance and Support Services (CLASS) Specialized Therapies
 - Renewal of the Intellectual Disability and Related Condition Assessment, and renewal, revised and transfer Individual Plans of Care in Home and Community-based Services (HCS), Texas Home Living (TxHmL) and CLASS
 - Focused nursing assessments in HCS, TxHmL and CLASS



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Rule Update (1 of 2)

- **22R055 Telecommunications for Managed Care Service Coordination and Assessments**
 - Implements rules related to use of teleservices in managed care assessments and service coordination
 - Draft posted for informal public comment February 24, 2022, through March 10, 2022
 - Formal comment period expected summer 2022



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Rule Update (2 of 2)

- **22R075 Medicaid Health Services Provided via Telemedicine and Telehealth including Audio-only Delivery Methods**
 - Implements rules related to behavioral health audio-only services and other teleservices updates
 - Draft posted for informal public comment April 8, 2022, through April 22, 2022
 - Formal comment period expected fall 2022



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Stakeholder Engagement (2 of 2)

Winter and Spring

Interim guidance to be issued for most services and benefits

2022

Policy development through rules and benefit policy updates

Continued opportunities for input



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Stakeholder Engagement

HHSC is implementing HB4 in phases and will seek stakeholder input



Dedicated mailbox to receive input
HHSC_MCS_HOUSE_BILL_4@hhs.texas.gov



A webpage on the HHS site
outlining ways to give input



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Thank You
