State Telehealth Laws and Reimbursement Policies

AT A GLANCE  | Spring 2021

* Please note that for the most part, states continue to keep their temporary telehealth COVID-19 emergency policies siloed from their permanent telehealth policies. In instances where the state has made policies permanent, CCHP has incorporated those policies into this report, however temporary COVID-19 related policies are not included. For information on state temporary COVID-19 telehealth policies, visit CCHP’s All Telehealth Policies page and explore the COVID topic section.*

All 50 states and D.C. now reimburse for some type of live video telehealth services in Medicaid. Reimbursement for store-and-forward and remote patient monitoring (RPM) continues to lag behind. Twenty-three state Medicaid programs reimburse for store-and-forward and twenty-five states reimburse for remote patient monitoring (RPM), with additional states having laws requiring Medicaid reimbursement for store-and-forward or RPM, yet no official written policies indicating that such policy has been implemented. Some states are also adopting the Center for Medicare and Medicaid Services’ (CMS) communication technology-based services (CTBS) codes, including the virtual check-in and remote evaluation of pre-recorded information, audio-only service codes and remote physiologic monitoring. However, states’ approaches to CTBS vary, with some separating it from their telehealth policies, while others include it under the umbrella of telehealth.

Many of the reimbursement policies that do exist continue to have restrictions and limitations, creating a barrier to utilizing telehealth to deliver services. One of the most common restrictions is a limitation on where the patient is located, referred to as the originating site. While most states have dropped Medicare’s rural geographic requirement, many Medicaid programs have limited the type of facility that can serve as an originating site, often excluding a patient’s home from eligibility. However, this is slowly changing as a result of the pandemic. Twenty-six states and D.C. explicitly and permanently allow the home to be an eligible originating site under certain circumstances. Additionally, 27 states and DC explicitly note that their Medicaid program will reimburse telehealth delivered services in a school-based setting.
Most states consider an online questionnaire only as insufficient to establish the patient-provider relationship and prescribe medication. Some states allow telehealth to be used to conduct a physical exam, while others do not or are silent. Some states have relaxed requirements for prescribing controlled substances used in medication assisted therapy (MAT) as a result of the opioid epidemic.

More and more states are passing legislation directing healthcare professional boards to adopt practice standards for its providers who utilize telehealth. Medical and Osteopathic Boards often address issues of prescribing in such regulatory standards.

42 states and D.C. have a consent requirement in either Medicaid policy, law or regulation. This number has increased by one since Fall 2020.

43 states and the District of Columbia have laws that govern private payer reimbursement of telehealth. Some laws require reimbursement be equal to in-person coverage, however most only require parity in covered services, not reimbursement amount. Not all laws mandate reimbursement coverage parity, and very few have explicit payment parity.

Nine state boards issue licenses related to telehealth allowing an out-of-state licensed provider to render services via telehealth. Licensure Compacts have become increasingly common. For example:

- **27 States and D.C.**
  - States: D.C. & Guam: Interstate Medical Licensure Compact

- **28 States**
  - States: Physical Therapy Compact

- **5 States**
  - States: Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC)

- **34 States**
  - States: Nurse Licensure Compact

- **15 States and DC**
  - States and DC: Psychology Interjurisdictional Compact (PSYPACT)

- **20 States**
  - States: Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA)