

Telehealth Compliance & Billing Policy

Sunflower Mountain Mental Health (SMMH)

Effective Date: January 1, 2025

Purpose

Sunflower Mountain Mental Health (SMMH) is committed to providing high-quality mental health services through telehealth in compliance with **Medicare, Medicaid, HIPAA, DEA regulations, commercial insurance regulations, and Colorado state telehealth regulations**. This policy outlines patient rights, provider responsibilities, billing requirements, and compliance measures.

Scope

This policy applies to all patients receiving telehealth services at SMMH and all providers delivering virtual care. It governs the use of virtual care, including video and phone-based appointments for psychiatric evaluations, medication management, and therapy sessions.

Definition of Telehealth

Telehealth is the delivery of healthcare services using **real-time interactive audio and video communication** or, in some cases, **audio-only communication** when permitted by law.

Eligibility Requirements

- **Covered Services:** Psychiatric evaluations, medication management, and therapy sessions.
- **Patient Eligibility:**
 - Patients must **reside in Colorado** at the time of the telehealth appointment.
 - Medicare and Medicaid patients must be **physically located in an approved geographic area** at the time of service.
 - Patients must provide **written or verbal consent** before their first telehealth appointment.
- **Provider Qualifications:** Under Medicare and Medicaid regulations only licensed and credentialed providers may conduct telehealth services.
- **Approved Platforms:** Only **HIPAA-compliant platforms** (e.g., CharmHealth with Zoom integration) are used.
- **Originating Site Requirements:** Medicare may limit telehealth coverage based on the patient's location (e.g., home, clinic, or designated rural areas). SMMH verifies Medicare coverage before scheduling telehealth visits.

Patient Rights & Responsibilities

1. Privacy & Confidentiality

- a. Patients have the **right to privacy and confidentiality** in telehealth sessions under **HIPAA privacy and security regulations**.
- b. Patients must ensure a **private and secure environment** for their sessions.
- c. Patients can review SMMH's **Secure Electronic Communication & Patient Consent Policy** for more details on telehealth data security.

2. Technology & Connection Requirements

- a. Patients must use a **stable internet connection and a camera-enabled device** for video-based appointments.
- b. Patients must ensure that they have **updated software and security protections** to prevent disruptions or security risks.
- c. If technical difficulties occur, the provider will attempt to reestablish communication via the secure, encrypted portal. In the event that fails the provider may attempt to continue the session via **phone** (if allowed by insurance) or reschedule as needed.

3. Identity Verification

- a. Patients must verify their **full name and date of birth** at the start of each telehealth session.
- b. A **valid government-issued ID** may be required for initial verification.

4. Emergency & Crisis Situations

- a. **Telehealth is not appropriate for emergency medical or psychiatric crises.**
- b. If a patient experiences an emergency during a session, they should **call 911 or visit the nearest emergency room.**
- c. Patients should review the **Crisis & Emergency Response Policy** for additional guidance.

5. General Rights & Responsibilities

- a. Patients have the right to **be informed about the nature, benefits, and risks of telehealth services** and to ask questions before consenting to care.
- b. Patients have the right to **refuse telehealth services** at any time and seek in-person care instead.
- c. Patients are strictly **prohibited from recording sessions.**

Provider Responsibilities

SMMH providers conducting telehealth sessions must:

- Ensure **HIPAA compliance** in all telehealth interactions.
- Confirm **patient eligibility and consent** before conducting telehealth services.

- Follow **Medicare, Medicaid, and commercial insurance billing regulations** to prevent fraudulent claims.
- Document each telehealth session with **location, modality (video/audio), and clinical details**.
- Provide **referrals for in-person care** if telehealth is deemed insufficient for the patient's needs.

Billing, Coding Compliance, and Insurance Coverage

Providers must follow Medicare, Medicaid, and commercial insurance guidelines for telehealth reimbursement:

- **Billing Codes:**
 - **Place of Service (POS) Codes:**
 - **POS 10** – Patient's home
 - **POS 02** – Other telehealth location
 - **Modifiers for Telehealth Services:**
 - **Modifier -95** (Synchronous telemedicine service via interactive video)
 - **Modifier -GT** (Telehealth services provided via interactive audio/video)
 - SMMH must verify and use **Correct CPT codes** based on **Medicare, Medicaid, and commercial insurance** guidelines.
- **Verification:**
 - Medicare and Medicaid coverage, limitations, and prior authorization must be confirmed before billing.
 - Patients are advised to check with their insurance providers regarding telehealth benefits and cost-sharing responsibilities.
- **Payment Responsibility:**
 - Patients may be responsible for **co-pays, deductibles, or non-covered services** under their plan.
 - For patients whose insurance does not cover telehealth services, out-of-pocket costs will be handled per the **Billing & Financial Assistance Policy**.

Medicare & Medicaid Telehealth Coverage Requirements

Medicare Telehealth Requirements:

- Medicare covers specific telehealth services under **Part B**, which must be delivered using **real-time interactive audio-video platforms**.
- **Audio-only services** are permitted only for certain CPT codes when authorized by CMS.

- **Patient Location (Originating Site):** Telehealth is typically covered when the patient is in their **home or a designated location**. During public health emergencies, restrictions may be waived.
- **Provider Location:** SMMH providers must deliver services from an approved site and must use **POS 02 or POS 10** with appropriate modifiers.
- All billing must adhere to **CMS telehealth coverage lists**, including documentation and compliance with **ABN** requirements when applicable.

Medicaid (Health First Colorado) Telehealth Requirements:

- Colorado Medicaid allows telehealth for patients located in **home or community settings** at the time of service.
- **Audio-only visits** are not permitted as of December 31, 2024 in **accordance with Centers of Medicare and Medicaid Services policy**.
- Services must be delivered through a **HIPAA-compliant platform**, unless specifically waived.
- Billing must follow Colorado's **Medicaid Telemedicine Billing Manual**, including required modifiers and authorization where needed.
- Providers may not bill Medicaid patients for **missed appointments or balance billing** under any circumstances.

Limitations & Exclusions

- **Audio-only telehealth sessions** are only permitted when **Medicare, Medicaid, or commercial insurance allows it**.
 - Services are covered under **Medicare Part B with restrictions** and require designated CPT codes.
 - Medicaid policies vary by state; SMMH follows **Colorado Medicaid guidelines**.
- **Controlled substance prescriptions via telehealth** must comply with **DEA and state telehealth prescribing laws, including Colorado's Prescription Drug Monitoring Program (PDMP) requirements**.
- **Telehealth is not a substitute for in-person emergency care. Patients in crisis must seek in-person or emergency medical services.**

Medicare & Medicaid Appeals for Telehealth Denials

If a patient's telehealth claim is denied, they have the right to appeal through:

- **Medicare Beneficiary Ombudsman**
 - Phone: 1-800-MEDICARE (1-800-633-4227)
 - Website: www.medicare.gov

- **Colorado Medicaid Appeals**
 - o Phone: 1-800-221-3943
 - o Website: <https://hcpf.colorado.gov>

Compliance Monitoring

- SMMH **regularly reviews telehealth policies** to ensure compliance with federal and state regulations.
- SMMH conducts **regular audits** of telehealth documentation and billing to ensure adherence to Medicare, Medicaid, and commercial insurance regulations.
- Staff receive **annual training on HIPAA, security, reimbursement guidelines, Medicare, and Medicaid telehealth requirements.**
- SMMH will make a reasonable effort to notify patients if **telehealth regulations change**, affecting service availability.

Corrective Actions

- **Non-compliance** with telehealth billing and documentation standards may result in claim denials, repayment obligations, or disciplinary action.
- Fraudulent billing or improper telehealth practices may be reported to **Medicare Fraud Prevention** at 1-800-MEDICARE or www.medicare.gov/fraud.

Discontinuation of Telehealth Services

SMMH may discontinue telehealth services if:

- The patient requires a **higher level of care** that cannot be managed remotely.
- The patient does not comply with **technology requirements or repeatedly experiences connection issues.**
- The patient's **insurance no longer covers telehealth services.**
- In such cases, SMMH will provide **alternative care recommendations** or referrals for in-person services.

Last Updated: March 2025

For further assistance, please contact SMMH at **(719) 679-5022** or visit www.sunflowermountainmentalhealth.com.