

PUBLIC NOTICE

June 30, 2021

Pursuant to 42 C.F.R. Section 447.205, public notice is hereby given for the submission of a Medicaid State Plan Amendment (SPA) 21-0035 Telehealth Services. The Division of Medicaid, in the Office of the Governor, will submit this proposed SPA to the Centers for Medicare and Medicaid Services (CMS) effective July 1, 2021, contingent upon approval from CMS, our Transmittal #21-0035.

1. State Plan Amendment 21-0035 is being submitted to a) set the fees for telehealth services the same as those in effect on July 1, 2020, b) add Federally Qualified Health Centers (FQHCs) and Rural Health Centers (RHCs) as distant site providers, c) add language that FQHCs, RHCs and Community Mental Health Centers (CMHCs) delivering simultaneous distant and originating site can receive the originating or distant site facility fees when such services are appropriately provided by the same organization, d) add school which employs a school nurse, inpatient hospital and the beneficiary's home as an originating site, and e) add telehealth services must be Health Insurance Portability and Accountability Act (HIPAA) compliant.
2. The expected annual aggregate expenditures is \$0.00.
3. The Division of Medicaid is submitting this proposed SPA to be in compliance with 42 C.F.R. § 447.201 which requires all policy and methods used in setting payment rates for services be included in the State Plan. Changes a) through c) in #1 are being made to be in compliance with Miss. Code § 43-13-117, as amended by Senate Bill 2799, effective July 1, 2021.
4. A copy of the proposed SPA will be available in each county health department office and in the Department of Human Services office in Issaquena County for review. A hard copy can be downloaded and printed from www.medicaid.ms.gov, or requested at 601-359-5248 or by emailing at Margaret.Wilson@medicaid.ms.gov.
5. Written comments will be received by the Division of Medicaid, Office of the Governor, Office of Policy, Walter Sillers Building, Suite 1000, 550 High Street, Jackson, Mississippi 39201, or Margaret.Wilson@medicaid.ms.gov for thirty (30) days from the date of publication of this notice. Comments will be available for public review at the above address and on the Division of Medicaid's website at www.medicaid.ms.gov.
6. A public hearing on this SPA will not be held.

**MEDICAL ASSISTANCE PROGRAM Introductory Page 1
State of Mississippi****DESCRIPTIONS OF LIMITATIONS AS TO AMOUNT, DURATION AND SCOPE OF MEDICAL CARE
AND SERVICES PROVIDED**

Telehealth Service

- 1) Telehealth service is defined as the practice of health care delivery by a provider to a beneficiary who is under the care of a provider at a different geographical location.
- 2) The Division of Medicaid covers medically necessary health services to eligible Medicaid beneficiaries as specified in the State Plan. If a service is not covered in an in-person setting, it is not covered if provided through telehealth.
- 3) Telehealth service must be delivered in a real-time communication method that is Health Insurance Portability and Accountability Act (HIPAA) compliant and is:
 - a. Live;
 - b. Interactive; and
 - c. Audiovisual.
- 4) The originating or spoke site is defined as the physical location of the beneficiary at the time the telehealth service is provided via telecommunications system. Telehealth services are covered in the following originating sites:
 - a. Office of a physician or practitioner;
 - b. Outpatient Hospital (including a Critical Access Hospital (CAH));
 - c. Rural Health Clinic (RHC);
 - d. Federally Qualified Health Center (FQHC);
 - e. Community Mental Health/Private Mental Health Centers;
 - f. Therapeutic Group Homes;
 - g. Indian Health Service Clinic; or
 - h. School-based clinic,
 - i. School which employs a school nurse,
 - j. Inpatient hospital,
 - k. Beneficiary home.
- 5) The distant or hub site is defined as the physical location of the provider delivering the telehealth service via telecommunications system. The following provider types are allowed to render telehealth services as a distant site:
 - a. Physicians,
 - b. Physicians Assistants,
 - c. Nurse Practitioners,
 - d. Psychologists,
 - e. Licensed Clinical Social Workers (LCSWs),
 - f. Professional Counselors (LPCs),
 - g. Board Certified Behavior Analysts (BCBAs) or Board Certified Behavior Analyst-Doctorals (BCBA-Ds),
 - h. Community Mental Health Centers (CMHCs),
 - i. Private Mental Health Centers,
 - j. Federally Qualified Health Centers (FQHCs), and
 - k. Rural Health Centers (RHCs).
 - l. Therapists: Speech, Occupational and Physical

State of Mississippi

- 6) Telehealth services must be delivered by a participating Medicaid provider acting within their scope-of-practice at both the originating and distant site.

- 7) The following are not considered telehealth services and are not covered:
 - a. Telephone conversations;
 - b. Chart reviews;
 - c. Electronic mail messages;
 - d. Facsimile transmission;
 - e. Internet services for online medical evaluations; or
 - f. The installation or maintenance of any telecommunication devices or systems.

State of Mississippi

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES –OTHER TYPES OF CARE

Telehealth Services

Payment for telehealth services is made as follows:

The originating or spoke site provider is paid a Mississippi Medicaid telehealth originating site facility fee per completed transmission except for when the originating site is an inpatient hospital or the beneficiary's home. The inpatient hospital originating site fee is included in the All Patient Refined Diagnosis Related Group (APR-DRG) payment. There is no originating site fee paid when the originating site is the beneficiary's home. The originating site provider may not bill for an encounter or Evaluation and Management (E&M) visit unless a separately identifiable service is performed.

The distant or hub site provider is paid the current applicable Mississippi Medicaid fee for the telehealth service provided.

Providers delivering simultaneous distant and originating site services to a beneficiary are reimbursed

1. The current applicable Mississippi Medicaid fee-for-service rate for the medical service(s) provided, and
2. Either the originating or distant site facility fees, not both, except for RHC, FQHC and CMHC when such services are appropriately provided by the same organization.

The Mississippi Medicaid telehealth originating site facility fee was calculated by an actuarial firm using the May 2013 Bureau of Labor Statistics (BLS) mean wage for Nurse Practitioners in MS adjusted by 35% for benefits and 2% for wage growth at half of the rate for 30 minute increments. The Mississippi Medicaid telehealth originating site facility fee is effective July 1, 2020 based on the annual percentage change in the Medicare physician fee schedule for Level III Established Patient E&M code effective on January 1, 2020.

Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of telehealth services. All rates are published on the Division of Medicaid's website at <http://www.medicaid.ms.gov/providers/fee-schedules-and-rates/>.

State of Mississippi**DESCRIPTIONS OF LIMITATIONS AS TO AMOUNT, DURATION AND SCOPE OF MEDICAL CARE AND SERVICES PROVIDED****Telehealth Service**

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