

# COVID State of Emergency Temporary Policy Expansions

## Policy Alert #2021-1

Date: July 2021 *Revised August 10, 2021, Revised January 2022*

BWC previously issued seven policy alerts that were connected to the COVID pandemic and Ohio's COVID state of emergency declared by Governor Mike DeWine. Given Governor DeWine rescinded Ohio's COVID state of emergency declaration on Friday, June 18, this alert will outline the actions BWC is taking on the related seven policy alerts released between March 20, 2020 and June 18, 2021.

Several policy alerts were intended as permanent guidance regarding reimbursement in response to COVID specific services or supplies. Given that services may still be necessary for injured worker treatment, the following policy alerts will remain in force. The alerts will be updated to remove any reference to a "temporary" alert or the COVID state of emergency in the alert title.

- #2020-4: Pre-Surgical COVID-19 LabTesting\*
- #2020-5: Payment for disposable masks or facial covering
- #2020-6: Post-acute COVID-19 syndrome testing
- #2020-7: Payment for personal protective equipment

The additional policy alerts will be addressed as described below:

### **Alert #2020-1: Temporary telehealth policy**

This alert provided the flexibility of the delivery of synchronous telemedicine services to the injured worker when the originating site is at home and permitted the injured worker to use a personal cell phone. Additionally, BWC temporarily allowed the use of the local level telephone service codes (99371-99373) in lieu of an office visit. If using the telephone service code in lieu of an office visit, BWC required the provider to bill the applicable telephone service code and reimbursement was at the fee schedule amount for the telephone service code. Finally, BWC temporarily waived the requirement for prior authorization for the telephone service codes to be billed.

Effective June 18, 2021, an injured worker's home will continue to be a valid originating site, and an injured worker's personal cell phone will continue to be recognized for telemedicine communication. Providers however, effective immediately, are subject to the remainder of the policy requirements of BRM-09, including the use of HIPAA-secured means of audio/video transmissions.

**BWC will extend the use of telephone service codes (99371-99373) in lieu of an office visit through March 31, 2022. BWC maintains the requirement that a provider must utilize local level telephone service codes (99371- 99373) when billing for an audio-only telephone service, including when used in lieu of an office visit or mental health counseling service.** Prior authorization to provide telephone services is required. Providers should refer to the Provider Billing and Reimbursement Manual's telephone policy and Policy Alert #2020-3 for additional guidance.

**Alert #2020-2: Temporary telehealth policy for vocational rehabilitation services**

This alert provided the flexibility for select vocational rehabilitation services to be provided by telemedicine (audio/video) or telephone. This action was taken to ensure injured workers had opportunities to receive relevant vocational rehabilitation services during the pandemic. It remains BWC's position that the face-to-face delivery of these specific services is optimal, and therefore, BWC will rescind this temporary service delivery expansion, effective August 16, 2021 with this alert update. The consideration to address services that are in process will be addressed as follows:

- The method of delivery of services authorized and initiated in accordance with temporary services expansion protocols prior to August 16, 2021 may continue to be telephonic or through synchronous telemedicine until the authorization expires,
- For any service authorized under the expansion where service delivery has not been initiated prior to August 16, 2021, or for any new service requested on or after August 16, 2021, the delivery must be performed face-to-face.

**Alert #2020-3: Temporary telehealth policy for check-in services**

This policy alert expanded the providers permitted to perform telephonic or remote evaluation and management service check-ins with Ohio injured workers. The American Medical Association limits the providers eligible to perform telephone and online digital evaluation and management (E&M) check-in services to physicians and other health care providers, such as a nurse practitioner, who bill E&M services. During the state of emergency, BWC felt it important for therapists to maintain contact with injured workers, keeping track of progress when a face-to-face visit was not viable due to the injured worker's level of risk of exposure. BWC expanded the categories of providers eligible to bill for the online digital E&M services to therapists and psychological service providers not able to bill E&M services. Additionally, BWC also expanded local level service codes (99371-99373) eligibility for telephonic services to include therapy providers (physical therapists, occupational therapists, athletic trainers, and speech therapists). BWC had previously expanded delivery of telephone services to psychologists, social workers and licensed professional counselors, even though those providers cannot bill E&M services.

BWC does not recognize the existing CPT codes for telephone services (98966-98968 and 99441-99443), which limit providers eligible to only those who bill for E&M services.

Effective immediately, BWC has determined that it is appropriate to maintain the flexibility of permitting therapists and psychological service providers to bill check-in services with proper prior authorization.

Although the policy alert permitted the provider during the pandemic state of emergency to determine if a telephone call is needed without separate authorization, this provision will be rescinded. Providers are not permitted to perform counseling or therapy using the telephone call service codes, and providers are subject to the provisions of the telephone service policy outlined in the Billing and Reimbursement Manual.