

New Coronavirus Law Allowing Waiver of Telehealth Restrictions

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On March 6, 2020, President Trump signed HB 6074, the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020. The Act is an \$8.3 billion supplemental funding bipartisan package to address the coronavirus outbreak. The package includes the “Telehealth Services During Certain Emergency Periods Act of 2020” which gives the Secretary of US Department of Health and Human Services (HHS) the authority to waive or modify telehealth restrictions under Medicare during the coronavirus emergency to ensure Medicare beneficiaries are able to receive telehealth services at home without risk of exposure.

The Act grants the secretary of the HHS authority to waive the originating site requirement for telehealth services provided to Medicare beneficiaries located in any identified “emergency area” during “emergency periods” by a qualified provider.

An “emergency area” is a geographical area in which, and an “emergency period” is the period during which, there exists: (i) an emergency or disaster declared by the president pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and (ii) a public health emergency declared by the secretary.

Qualifying telehealth services may be provided to Medicare beneficiaries via phone, but only if the phone allows for audio-video interaction between the provider and the beneficiary.

This package enables healthcare providers to utilize telehealth in response to COVID-19 to treat Medicare beneficiaries from their home in those emergency areas identified by the president and secretary during emergency periods. The package also authorizes an additional \$500 million in mandatory spending for telehealth through Medicare in addition to the \$6.497 billion authorized for HHS.

We await further guidance on the billing and other requirements applicable to coronavirus-related telehealth claims.

For questions or concerns concerning the Act and your practice, please contact [Grace Mack](#) or any member of the [Health Law Team](#).

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