



To: Local Health Departments  
Supports Planning Agencies  
Utilization Control Agent

From: Marlana R. Hutchinson, Acting Director  
Office of Long Term Services and Supports

Date May 8, 2020

Subject: Additional Interpretive Guidance on Use of Telephonic and Electronic Means of Communication in lieu of Face-to-Face Contact by Direct Care Providers

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On April 9, 2020, the Maryland Department of Health (“Maryland Medicaid”) issued guidance on the use of telephonic and electronic means of communication in lieu of face-to-face contact by direct care providers ([COVID-19 #14](#)). That guidance was effective as of April 2, 2020, and will remain in place until further notice. The following information is intended to clarify that guidance.

- I. **Effective date of the guidance is immediate.** There are a number of dates and time spans mentioned in the guidance document. There are also references to orders and declarations that are already in effect, which has caused some confusion. The retroactive April 2, 2020 date is when all providers must be acting in accordance with the guidance and for all practical purposes is immediately.
- II. **Effort should be made to incorporate audio *and* visual technology.** There has been confusion on the delivery of services by phone or via telehealth. The telehealth procedure is intended to allow the provider and participant to both see and hear one another, but it allows flexibility if the visual component is not possible or available. The medium used should be conditional on what is available and practical. The provider should make an effort to utilize a telehealth option that incorporates video technology as well as audio, but if video technology is not available, audio-only (telephone) is permitted. Please note that the Department is adding a new question to allow assessors to indicate how the interRAI-HC, interRAI-PEDS, and nurse monitoring assessment tools were completed.

III. **Assessments for Initial Eligibility, Redetermination, and Significant Change may continue; the Department will *not* disenroll participants.** There has been confusion surrounding how to comply with the guidance with respect to initial, redetermination, and significant change assessments.

a. ***Initial Assessments for Eligibility*** - This assessment type will continue.

The April 9, 2020 guidance is to provide clarity on how to conduct telehealth and telephonic versions of these assessments. The results of these assessments may be used for their regularly intended purposes with respect to program enrollment, plan of service preauthorization, or overall authorization to participate (ATP).

b. ***Redetermination Assessments*** - This assessment type will continue.

The April 9, 2020 guidance is to provide clarity on how to conduct telehealth and telephonic versions of these assessments. The treatment of the results of these assessments vary in the following ways:

i. ***Approval*** - The results of these assessments may be used for their regularly intended purposes with respect to continued program enrollment, and annual plan of service preauthorization.

ii. ***Denials*** - Although the assessment may be completed and the Utilization Control Agent (UCA) may render a level of care (LOC) determination, the Department will not enforce any denials as a result of a redetermination assessment if the assessment was completed between March 1, 2020 and February 28, 2021, unless superseded by a new directive. The Department will hold any disenrollment ATPs received. The Department will not disenroll participants from the programs under this scenario.

c. ***Significant Change Assessments*** - This assessment type will continue.

The April 9, 2020 guidance is to provide clarity on how to conduct telehealth and telephonic versions of these assessments. The treatment of the results of these assessments vary in the following ways:

i. ***Approval*** - The results of these assessments may be used for their regularly intended purposes with respect to revised plan of service preauthorization.

ii. ***Denials*** - Although the assessment may be completed and the UCA may render a LOC determination, the Department will not enforce any denials as a result of a significant change assessment if the assessment was completed between March 1, 2020 and February 28, 2021, unless superseded by a new directive. The Department will hold any disenrollment ATPs received. The Department will not disenroll participants from the programs under this scenario.

IV. **All Plan of Service requests will be subject to review.** While the Department is maintaining current program enrollments, this should not be interpreted as a suspension of the review process for service requests associated with the program for which a participant will remain enrolled. All plan of service requests will remain subject to review based on the available medical information. Unsupported services will be denied.

**Additional Information:**

For Maryland Medicaid Telehealth Program information:  
<https://mmcp.health.maryland.gov/Pages/telehealth.aspx>

For Medicaid-related Coronavirus updates: [mmcp.health.maryland.gov](https://mmcp.health.maryland.gov)

For Provider Updates: [Medicaid COVID-19 Provider Updates](https://mmcp.health.maryland.gov/Pages/COVID-19-Provider-Updates.aspx)  
(<https://mmcp.health.maryland.gov/Pages/COVID-19-Provider-Updates.aspx>)

For questions about the Coronavirus: [coronavirus.maryland.gov](https://coronavirus.maryland.gov).

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