



COVID-19 and Maryland Medicaid Telehealth Coverage

On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency due to disease (“COVID-19”) caused by the novel coronavirus. The COVID-19 outbreak was declared a national emergency on March 13, 2020, and was previously declared a nationwide Public Health Emergency on January 31, 2020 (retroactive to January 27, 2020). The federal Public Health Emergency was subsequently extended on April 26, 2020 and again on July 25, 2020, for up to an additional 90 days. The current authority **expires October 23**. It is unclear if the Public Health Emergency will be extended further.

The health care and safety of Medicaid providers and participants is a priority during the COVID-19 Public Health Emergency. To prevent transmission and spread of COVID-19 disease, the Maryland Department of Health (“the Department”) has implemented certain flexibilities with respect to delivery of services covered by the Medical Assistance Program via telehealth, these include:

- Permitting a participant’s home or any other secure location to serve as a telehealth originating site for purpose of delivery of Medicaid-covered services;
- Permitting reimbursement for audio-only health care services delivered by phone; and
- Permitting use of telehealth technology not compliant with HIPAA.

The flexibilities the Department has been able to offer health care providers during this time are based on both Executive Orders from the Governor of Maryland and waivers from the federal government. The Department will continue to reimburse services delivered using HIPAA-compliant technology until the end of the Maryland State of Emergency.

The federal waivers that allow for telephonic and non-HIPAA compliant technology are scheduled to sunset in tandem with the end of the federal Public Health Emergency. These flexibilities are not likely to be granted on a permanent basis by the Centers for Medicare and Medicaid Services. In the event that the federal Public Health Emergency is not extended a third time, these specific flexibilities will end on October 23.

The Department will examine closely the flexibility to expand services delivered via telehealth in a participant’s home. Services provided in the home setting are not currently reimbursable through Maryland Medicaid; however, standard coverage rules do allow states to reimburse for services in the home setting. The Department will assess which services may be appropriately delivered via telehealth in the home setting on an ongoing basis after the end of the Public Health Emergency.