



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT

II. SUBJECT

TELEHEALTH SERVICES

III. PROGRAM AFFECTED

(TITLE XIX) MEDICAID

IV. ACTION

FINAL REGULATIONS

V. BACKGROUND SUMMARY

The New Mexico Human Services Register Vol. 30, No. 10, dated April 4, 2007, issued proposed regulations for the Medical Assistance Program to cover telehealth services. The proposed coverage of telehealth included:

1. Allow the following to be rendered via an interactive telecommunications system: Consultation services, office visit evaluation and management services, individual psychotherapy services, pharmacologic management, psychiatric diagnostic interview examinations, end stage renal disease related services, and individual medical nutrition therapy. For these services, an interactive telecommunications system is considered to meet the requirements of a face-to-face encounter.
2. Reimbursing for services at the originating-site and the distant-site at the same amount as when furnished without the use of an interactive telecommunication system.
3. Reimbursing the originating-site for a telehealth system fee.

A public hearing was held on June 15, 2007, to receive comments on the proposed regulations. There were two verbal comments presented at the hearing. Prior to the hearing, eight written comments were received from eight different sources.

Verbal and written comments requested the Department include “store-and-forward telehealth” rather than limiting coverage to an interactive system as described in the proposed regulation.

Other written comments requested a more specific definition for an “interactive telecommunication system.” One written comment requested only the distant-site receive reimbursement for services and the originating – site receive only the interactive telehealth system fee.

One verbal comment requested that any licensed health provider be able to participate as a telehealth provider rather than restrict the providers to those listed in *8.310.13.10 NMAC, Eligible Providers*. Two written comments requested Indian Health Services and tribal facilities continue to follow the licensing rules that currently apply.

Concerning behavioral health services, two verbal and three written comments were received expressing support for the inclusion of behavioral health services while one written comment requested behavioral health services be excluded from telehealth services.

In response to the comments received, the intent of the Department in the proposed regulation was to follow Medicare definitions and reimbursement methodology for telehealth. This includes the requirement that a telehealth system is interactive and that reimbursement is made to the originating site for any covered services that are rendered at that site during the telehealth service. It was also specifically the intent of the Department to include behavioral health services under telehealth because of the difficulty of obtaining such services outside metropolitan areas. The allowed providers were also specifically those as allowed by Medicare with the addition of providers selected from a list in state statute. Therefore, these provisions will not be changed in the final regulations.

It was not the Department’s intent to imply any additional licensing requirements other than that as required by state. Therefore, the final version of the regulation regarding telehealth licensing under *Subsection C of 8.310.13.10 NMAC, Eligible Providers*, is as follows:

“When the originating-site is in New Mexico and the distant-site is outside New Mexico, the provider at the distant-site must be licensed for telehealth to the extent required by New Mexico state law and regulations or meet federal requirements for providing services to Indian Health Service facilities or tribal compact facilities.”

In order to provide a better definition of “interactive telecommunication system”, the final version of the regulation under *Subsection A of 8.310.13.12 NMAC, Covered Services*, includes the following additional information:

“An interactive telehealth communication system must include both interactive audio and video and be delivered on a real-time basis at the originating and distant-sites.”

Not part of the regulation, but as part of the implementation, the telehealth system fee schedule amount is \$ 22.47 per transmission. Originating-sites will use the HCPC code Q3014 for billing.

VI. REGULATIONS

These regulations will be contained in 8.310.13 NMAC of the Medical Assistance Division

Program Policy Manual. A copy of the regulations may be requested by contacting the Medical Assisting Division at 505-827-3156 or they can be found on our Website at <http://www.hsd.state.nm.us/mad>.

VII. EFFECTIVE DATE

The Department proposes to implement these regulations effective August 1, 2007.

X. PUBLICATIONS

Publication of these regulations approved by:

PAMELA S. HYDE, J.D., SECRETARY
HUMAN SERVICES DEPARTMENT