TABLE 1: The Post-PHE Telehealth Guidance derived from the Texas Medical Association

Services/Waivers	During the PHE	End Date	After the PHE Extension
Virtual direct supervision	Virtual presence was added to the definition of direct supervision.	Dec. 31, 2023	The supervising physician must be in the same physical location as the nonphysician practitioner.
Audio-only	The Centers for Medicare & Medicaid Services (CMS) allows certain audio-only services.	Dec. 31, 2024 (authorized by CCA)	CMS will continue to allow these services.
E-visits	E-visits are allowed for both new and established patients.	Dec. 31, 2023	E-visits will be allowed for established patients only.
Virtual check-in	Virtual check-in is allowed for both new and established patients.	Dec. 31, 2023	Virtual check-in will be available for established patients only.
Place of service (POS)	POS should be coded as if the service had been furnished in person, with modifier 95.	Dec. 31, 2023	POS should be coded with 02 – other than patient's home, or 10 – patient's home.
Originating site	Patients in a rural area no longer must receive services at an originating site.	Dec. 31, 2024 (authorized by CCA)	Physicians can continue to see patients regardless of their location.
Payment parity	Medicare pays as if the patient were seen in the office.	Dec. 31, 2024 (authorized by CCA)	Payment will be reduced to the facility rate.
Provider types	Physical therapists, occupational therapists, and speech pathologists are authorized to provide telehealth services.	Dec. 31, 2024 (authorized by CCA)	These professionals will continue to be able to provide telehealth services.
Covid-19 vaccine payment	Medicare pays $40 per dose.	Dec. 31, 2023	Payment rate will be set to align with other Part B preventive services.
Enrollment	CMS expedites new applications.	May 11, 2023	Normal application timelines resume.
Opt-out enrollment	Physicians are allowed to cancel their opt-out status early.	May 11, 2023	Physicians will no longer be able to opt out prior to what regulations allow.
Telehealth platform	Physicians can use any non-public-facing remote communication platform.	Aug. 9, 2023	Physicians must use HIPAA-compliant platforms.
Prescribing controlled substances	Schedule II-V controlled substances may be prescribed through telemedicine and without a prior in-person visit.	Nov. 11, 2023, or Nov. 11, 2024, if patient-physician relationship established prior to Nov. 11, 2023	TBD; Drug Enforcement Administration will provide guidance via final regulations.

Telehealth/Telemedicine Regulatory Implications of the COVID-19 Pandemic REFERENCES

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