

Michigan Telehealth Frequently Asked Questions

1. Can occupational therapists practice telehealth in Michigan?

- a. Yes. The occupational therapy scope of practice in Michigan does not specifically address telehealth visits, however, the public health code (stated below) allows regulated professions to utilize telehealth services depending on insurance coverage. The statutory definition of regulated professions includes occupational therapists ([Occupational Therapy and Telehealth State Statutes, Regulations and Regulatory Board Statements](#); [Public Health Code \(Excerpt\) Avt 368 of 1978, Part 183: Occupational Therapists](#))

Statute: Michigan Compiled Laws, Public Health Code Sections 333.16283 – 16288 333.16283

Definitions.

As used in this section and sections 16284 to 16288:

- (a) "Health professional" means an individual who is engaging in the practice of a health profession.
- (b) "Prescriber" means that term as defined in section 17708.
- (c) "Telehealth" means the use of electronic information and telecommunication technologies to support or promote long-distance clinical health care, patient and professional health-related education, public health, or health administration. Telehealth may include, but is not limited to, telemedicine. As used in this subdivision, "telemedicine" means that term as defined in section 3476 of the insurance code of 1956, 1956 PA 218, MCL 500.3476.
- (d) "Telehealth service" means a health care service that is provided through telehealth.

333.16284 Telehealth service; consent required; exception.

Except as otherwise provided in this section, a health professional shall not provide a telehealth service without directly or indirectly obtaining consent for treatment. This section does not apply to a health professional who is providing a telehealth service to an inmate who is under the jurisdiction of the department of corrections and is housed in a correctional facility.

333.16285 Telehealth service; prescribing patient with drug; conditions; requirements.

(1) A health professional who is providing a telehealth service to a patient may prescribe the patient a drug if both of the following are met:

- (a) The health professional is a prescriber who is acting within the scope of his or her practice in prescribing the drug.
- (b) If the health professional is prescribing a drug that is a controlled substance, the health professional meets the requirements of this act applicable to that health professional for prescribing a controlled substance.

(2) A health professional who prescribes a drug under subsection (1) shall comply with both of the following:

- (a) If the health professional considers it medically necessary, he or she shall provide the patient with a referral for other health care services that are geographically accessible to the patient, including, but not limited to, emergency services.
- (b) After providing a telehealth service, the health professional, or a health professional who is acting under the delegation of the delegating health professional, shall make himself or herself

available to provide follow-up health care services to the patient or refer the patient to another health professional for follow-up health care services.

333.16286 Telehealth service; restrictions or conditions; findings by disciplinary subcommittee.

In a manner consistent with this part and in addition to the provisions set forth in this part, a disciplinary subcommittee may place restrictions or conditions on a health professional's ability to provide a telehealth service if the disciplinary subcommittee finds that the health professional has violated section 16284 or 16285.

333.16287 Rules.

The department, in consultation with a board, shall promulgate rules to implement sections 16284 and 16285.

333.16288 MCL 333.16284 to 333.16287; limitations.

Sections 16284 to 16287 do not do any of the following:

- (a) Require new or additional third party reimbursement for health care services rendered by a health professional through telehealth.
- (b) Limit the provision of a health care service otherwise allowed by law.

2. What is CMS saying about telehealth?

- a. The Coronavirus Preparedness and Response Supplemental Appropriations Act includes a provision to waive certain Medicare telehealth payment requirements. Telehealth can now be provided in all settings, a comprehensive list of Medicare Telehealth services can be found [here](#). (Medicare Telehealth Frequently Asked Questions [PDF] (2020, March 17))
- b. Changes have allowed for expanded E-visit coverage for established patients through Medicare Part B (not Part A) but have not changed the types of providers that can bill for services, occupational therapists are still excluded at this time from true telehealth services. Occupational therapists were added as one of the provider types that may use the E-visit HCPCS codes. A Medicare E-visit is not telehealth. ([AOTA Update: CMS Expands Therapy E-Visit Services During COVID-19 Outbreak](#); [Medicare Telemedicine Health Care Provider Fact Sheet](#))
 - i. E-visit: non-face-to-face patient-initiated communications through an online patient portal

3. What is AOTA saying about telehealth?

- a. Current laws and regulations are not consistent among states. Some states have established laws and regulations regarding telehealth, other states have yet to even think about whether occupational therapists can provide services. ([State-by-State Chart of Telehealth Laws](#))
- b. Occupational therapy practitioners using telehealth must adhere to all standards and requirements for practice, including the *Occupational Therapy Code of Ethics, Standards of Practice for Occupational Therapy*, and comply with federal and state regulations ([Telehealth in Occupational Therapy: Position Paper](#))

4. What is Blue Cross Blue Shield saying about telehealth in Michigan?

- a. BCBS of Michigan has not yet approved policy for telehealth. MiOTA is working closely with a senior analyst through BCBSM to determine coverage capacities for telehealth.

5. United Health Care and telehealth?

<https://www.uhcprovider.com/en/resource-library/news/Novel-Coronavirus-COVID-19/pa-covid19-updates.html>

- a. UnitedHealthcare has also announced it will reimburse physical, occupational and speech therapy telehealth services provided by qualified health care professionals when rendered using interactive audio/video technology. State laws and regulations apply. Benefits will be processed in accordance with the member's plan. This change is effective immediately for dates of service March 18 through June 18, 2020. Reimbursable codes are limited to the specific set of physical, occupational and speech therapy codes listed [here](#). UnitedHealthcare will reimburse eligible codes when submitted with a place of service code 02 and modifier 95

6. How does HIPAA impact telehealth?

- a. Will waive potential HIPAA penalties for good faith use of telehealth
- b. Providers should always use private locations and patients should not receive telehealth services in public or semi-public settings
- c. A covered health care provider that wants to use audio or video communication to provide telehealth to patients during the COVID-19 public health emergency can use any non-public facing remote communication product that is available to communicate with patients
- d. HIPAA-compliant video communication products: Skype for Business / Microsoft Teams; Updox; VSee; Zoom for Healthcare; Doxy.me; Google G Suite Hangouts Meet; Cisco Webex Meetings / Webex Teams; Amazon Chime; GoToMeeting ([Notification of Enforcement Discretion for Telehealth Remote Communications During the COVID-19 Nationwide Public Health Emergency](#); [FAQs on Telehealth and HIPAA during the COVID-19 nationwide public health emergency](#))