

Kentucky

Medicaid Program: Kentucky Medicaid

Program Administrator: KY Dept. for Medicaid Services

Regional Telehealth Resource Center:

Mid-Atlantic Telehealth Resource Center

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STATE LAW/REGULATIONS	MEDICAID PROGRAM
Definition of telemedicine/telehealth	
<p>"Telehealth means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education."</p> <p><i>Source: KY Revised Statutes § 310.200 (2012).</i></p> <p><i>(also see Medicaid column)</i></p>	<p>"Telehealth consultation means a medical or health consultation, for purposes of patient diagnosis or treatment, that requires the use of advanced telecommunications technology, including, but not limited to: (a) compressed digital interactive video, audio, or data transmission; (b) clinical data transmission via computer imaging for tele-radiology or tele-pathology; and (c) other technology that facilitates access to health care services or medical specialty expertise."</p> <p><i>Source: KY Revised Statutes § 205.510 (2012).</i></p> <p>Telehealth means two-way, real time interactive communication between a patient and a physician or practitioner located at a distant site for the purpose of improving a patient's health through the use of interactive telecommunication equipment that includes, at a minimum, audio and video equipment.</p> <p><i>Source: KY 907 KAR 1:055E.</i></p> <p>"Telemedicine" means two-way, real time interactive communication between a patient and a physician or practitioner located at a distant site for the purpose of improving a patient's health through the use of interactive telecommunications equipment that includes, at a minimum, audio and video equipment.</p> <p><i>Source: KY 907 KAR 9:005.</i></p> <p>"Telehealth medical services: The originating-site or spoke site is the location of the eligible Kentucky Medicaid recipient at the time the telehealth service is being furnished via an interactive telehealth service communications system. The distant or hub site is the location of the provider and is considered the place of service. An interactive telehealth service communication system includes interactive audio and video equipment permitting two-way real time interactive communication</p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
	<p>between the patient and the practitioner at the originating and distant-sites.”</p> <p><i>Source: KY State Plan Amendment. Attachment 3.1-B. Approved 3/9/2011. (Accessed Mar. 2016).</i></p>
Live Video Reimbursement	
<p>Kentucky law states that insurers may not deny coverage because it is “provided through telehealth and not provided through face-to-face consultation” therefore requiring reimbursement for live video.</p> <p><i>Source: KY Revised Statutes § 304.17A-138 (2012).</i></p> <p><i>(See Medicaid column and “Private Payers” section)</i></p>	<p>Kentucky Medicaid will reimburse for a “telehealth consultation”, which includes live video.</p> <p><i>Source: KY Revised Statutes 205.559 (2012).</i></p> <p>Reimbursement shall not be denied solely because an in-person consultation between a provider and a patient did not occur.</p> <p><i>Source: KY Revised Statutes § 205.559 (2012).</i></p> <p>Except for a telehealth consultation provided by an Advanced Registered Nurse Practitioner or Community Mental Health Clinic, an amount equal to the amount paid for a comparable in-person service.</p> <p><i>Source: KY Admin. Regs. Title, 907, 3:170, Sec. 4(a) (2011).</i></p> <p>Telehealth is covered to the same extent the service and provider are covered when furnished face-to-face.</p> <p>Providers must be approved through the Kentucky e-Health Network Board. Must be approved member of KY telehealth network.</p> <p>Coverage is limited to:</p> <ul style="list-style-type: none"> • Consultation • Mental health evaluation and management services • Individual and group psychotherapy • Pharmacologic management • Psychiatric/psychological/mental health diagnostic interview examinations • Individual medical nutrition services <p>All telehealth services are subject to utilization review.</p> <p>Prior authorization is needed for select telehealth procedures.</p> <p>Eligible providers for services NOT in a Community Mental Health Center:</p> <ul style="list-style-type: none"> • A psychiatrist; • A licensed clinical social worker; • A psychologist; • A licensed professional clinical counselor; • A licensed marriage and family therapist; • A physician*; • An ARNP*;

STATE LAW/REGULATIONS	MEDICAID PROGRAM
	<ul style="list-style-type: none"> • Speech-language pathologist*; • Occupational therapist*; • Physical therapist*; • Licensed dietitian or certified nutritionist*; or • Registered nurse or dietician* <p>* <i>Certain restrictions apply.</i></p> <p>Eligible providers for services in a Community Mental Health Center:</p> <ul style="list-style-type: none"> • A psychiatrist; • A physician; • Psychologist with a license in accordance with KRS 319.010(5); • A licensed marriage and family therapist; • A licensed professional clinical counselor; • A psychiatric medical resident; • A psychiatric registered nurse; • A licensed clinical social worker; • An advanced registered nurse practitioner; <p><i>Source: KY State Plan Amendment. Attachment 3.1-B. Approved 3/9/2011. (Accessed Mar. 2016).</i></p> <p>For FQHCs and RHCs a “visit” is defined as occurring in-person or via telehealth.</p> <p><i>Source: KY 907 KAR 1:055.</i></p>
Store and Forward Reimbursement	
<i>(see Medicaid column)</i>	<p>Kentucky reimburses for tele-radiology but there is no other reference to reimbursing for other specialties.</p> <p><i>Source: KY Provider Billing Instructions for Physician’s Services Provider Type – 64, 65, Version 6.2, p. 41 (Feb. 16, 2016). (Accessed Mar. 2016).</i></p> <p>Medicaid does not cover other forms of store and forward, as a telehealth consultation requires a two-way interactive video.</p> <p><i>Source: KY Admin. Regs. Title, 907, 3:170, Sec. 3, 3(a) (2011).</i></p>
Remote Patient Monitoring Reimbursement	
No reference found.	No reference found.
Email/Phone/FAX	
<p>No reimbursement for email. No reimbursement for telephone. No reimbursement for FAX.</p> <p><i>Source: KY Revised Statutes § 304.17A-138 (2012).</i></p>	<p>No reimbursement for email. No reimbursement for telephone. No reimbursement for FAX.</p> <p><i>Source: KY Revised Statutes § 205.559 (2012).</i></p>
Online Prescribing	
Prior to prescribing in response to any communication	No reference found.

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<p>transmitted or received by computer or other electronic means, physicians must establish a proper physician-patient relationship. This includes:</p> <ul style="list-style-type: none"> • Verification that the person requesting medication is in fact who the patient claims to be; • Establishment of a documented diagnosis through the use of accepted medical practices; • Maintenance of a current medical record. <p>An electronic, online, or telephone evaluation by questionnaire are inadequate for the initial or any follow-up evaluation.</p> <p><i>Source: KY Revised Statutes § 311.597 (2012).</i></p> <p>A “good faith prior examination” (needed to establish a physician-patient relationship) can be done through telehealth.</p> <p><i>Source: KY Rev. Statute 218A.010.</i></p> <p>The Board of Speech Language Pathology and Audiology does not allow for the establishment of a practitioner-patient relationship via telehealth. They require an in-person meeting to occur first. A practitioner-patient relationship is required to issue a prescription.</p> <p><i>Source: KY 201 KAR 17:110.</i></p>	
Consent	
<p>The provider who delivers or facilitates the telehealth service shall obtain the informed consent of the patient before services are provided.</p> <p>Patient consent must be obtained by:</p> <ul style="list-style-type: none"> • Physicians; • Chiropractors; • Nurses; • Dentists; • Dieticians; • Pharmacist; • Psychologists; • Occupational therapists; • Behavioral analysts; • Ophthalmologists; • Physical therapists; • Speech language pathologists or audiologists; • Social workers; • Marriage/family therapists. <p><i>Source: KY Revised Statutes § 311.5975 (2012).</i></p>	<p>Before providing a telehealth consultation, providers must document written patient informed consent.</p> <p>This includes:</p> <ul style="list-style-type: none"> • The patient may refuse the telehealth consultation at any time without affecting the right to future care or treatment, and without risking the loss or withdrawal of a benefit to which the patient is entitled; • The recipient shall be informed of alternatives to the telehealth consult; • The recipient shall have access to medical information resulting from the telehealth consult as provided by law; • The dissemination, storage, or retention of an identifiable recipient image or other information from the telehealth consult shall comply with all state and federal confidentiality laws and regulations; • The patient shall have the right to be informed of the parties who will be present at the spoke site and the hub site during the telehealth consult,

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<p><i>(also see Medicaid column)</i></p> <p>The Board of Speech Language Pathology and Audiology requires their licensees to inform the client in writing, in an initial in-person meeting, about:</p> <ul style="list-style-type: none"> • The limitations of using technology in the provision of telepractice; • Potential risks to confidentiality of information due to technology in the provision of telepractice; • Potential risks of disruption in the use of telepractice; • When and how the licensee will respond to routine electronic messages; • In what circumstances the licensee will use alternative communications for emergency purposes; • Who else may have access to client communications with the licensee; • How communications can be directed to a specific licensee; • How the licensee stores electronic communications from the client; and • That the licensee may elect to discontinue the provision of services through telehealth. <p><i>Source: KY 201 KAR 17:110.</i></p>	<p>and shall have the right to exclude anyone from either site;</p> <ul style="list-style-type: none"> • The patient shall have the right to object to the videotaping of a telehealth consult. <p><i>Source: KY Admin. Regs. Title, 907, 3:170 (2011).</i></p>
Location	
No reference found.	No reference found.
Cross-State Licensure	
<p>A provider must be licensed in Kentucky with the exception of persons who, being nonresidents of Kentucky and lawfully licensed to practice medicine or osteopathy in their states of actual residence, infrequently engage in the practice of medicine or osteopathy within this state, when called to see or attend particular patients in consultation and association with a Kentucky-licensed physician.</p> <p><i>Source: KY Revised Statutes § 311.560 (2012).</i></p>	No reference found.
Private Payers	
<p>Payers shall not exclude services solely because the service is provided through telehealth. A health benefit plan may provide coverage for a consultation at a site not within the telehealth network at the discretion of the insurer.</p> <p><i>Source: KY Revised Statutes § 304.17A-138 (2012).</i></p>	No reference found.
Site/Transmission Fee	
<i>(see Medicaid column)</i>	<p>No reimbursement for transmission fees.</p> <p><i>Source: KY Admin. Regs. Title, 907, 3:170 (2012).</i></p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
Miscellaneous	

Comments:Professional Board Telehealth-Specific Regulations

- Speech Language Pathology and Audiology (*Source: Title 201, Ch. 17, Sec. 110*)
- Board of Optometric Examiners (*Source: Title 201, Ch. 5, Sec. 055*)
- Physical Therapy (*Source: Title 201, Ch. 22, Sec. 160*)
- Psychologist (*Source: Title 201, Ch. 26, Sec. 310*)
- Dieticians and Nutritionists (*Source: Title 201, Ch. 33, Sec. 070*)
- Applied Behavior Analysis (*Source: Title 201, Ch. 43, Sec. 10*)