

New Mexico

Medicaid Program: New Mexico Medicaid

Program Administrator: New Mexico Human Services Dept., Medical Assistance Division (MAD)

Regional Telehealth Resource Center: Southwest Telehealth Resource Center www.southwesttrc.org

New Mexico Policy At-a-Glance

MEDICAID REIMBURSEMENT			PRIVATE PAYER LAW		PROFESSIONAL REQUIREMENTS	
LIVE VIDEO	STORE-AND-FORWARD	REMOTE PATIENT MONITORING	LAW EXISTS	PAYMENT PARITY	LICENSURE COMPACTS	CONSENT REQUIREMENT
✓	✓	✗	✓	✓	NLC	✓

New Mexico Detailed Policy

Medicaid Telehealth Reimbursement	Summary	<p>New Mexico Medicaid reimburses for live video telehealth at the same rate as when services are provided in-person as well as store-and-forward. There is no reference to remote patient monitoring.</p>
	Definitions	<p>Behavioral Health Telemedicine is defined as “the use of electronic information, imaging and communication technologies, including interactive audio, video, data communications as well as store-and-forward technologies, to provide and support health care delivery, diagnosis, consultation, treatment, transfer of medical data and education.”</p> <p>Source: NM Human Services Dept. Behavioral Health Policy and Billing Manual for Providers Treating Medicaid Beneficiaries (2019) p. 29. (Accessed Sept. 2020).</p>
	Live Video	<p style="background-color: #eee; padding: 5px;">Policy</p> <p>New Mexico Medicaid will reimburse for professional services at the originating-site and the distant-site at the same rate as when the services are furnished without the use of a telecommunication system.</p> <p>Source: NM Administrative Code 8.310.2.12(M). (Accessed Sept. 2020).</p> <p>Telemedicine is also covered by NM Managed Care.</p> <p>Source: NM Medical Assistance Division Managed Care Policy Manual, p. 388. Jan. 2019. (Accessed Sept. 2020).</p> <p>Managed Care Program The benefits package includes telemedicine services. See Admin. Code 8.308.9.18 for requirements of MCOs related to telemedicine services.</p> <p>Source: NM Admin Code Sec. 8.309.4.16 & 8.308.9.18. (Accessed Sept. 2020).</p> <p>Provision of telemedicine services does not require that a certified Medicaid healthcare provider be physically present with the patient at the originating site unless the telemedicine consultant at the distant site deems it necessary.</p> <p>Source: NM Administrative Code 8.310.2.12 (M). (Accessed Sept. 2020).</p>



Medicaid Telehealth Reimbursement

Live Video

Eligible Services / Specialties

Effective Oct. 1, 2019 the agency’s telehealth and teleconsultation services fee schedule rates are set at 90% of the Medicare fee schedule and are effective for services provided on or after that date. All rates are published at <https://www.hsd.state.nm.us/providers/fee-schedules.aspx>

Source: NM State Plan Amendment. Attachment 4.19B. (2/19/20). (Accessed Sept. 2020).

Eligible Providers

No reference found.

Eligible Sites

School-based services provided via telemedicine are covered.

Source: NM Administrative Code 8.320.6.13(l). (Accessed Sept. 2020).

An interactive telehealth communication system must include both interactive audio and video, and be delivered on a real-time basis at both the originating and distant sites. The originating site can be any medically warranted site. Coverage for services rendered through telemedicine shall be determined in a manner consistent with Medicaid coverage for health care services provided through in-person consultation.

Source: : NM Administrative Code 8.310.2.12 (M). (Accessed Sept. 2020).

Geographic Limits

No reference found.

Facility/Transmission Fee

Reimbursement is made to the originating site for an interactive telemedicine system fee at the lesser of the following:

- Provider’s billed charge;
- Maximum allowed by MAD for the specific service or procedure.

A telemedicine originating-site communication fee is also covered if the eligible recipient was present at and participated in the telemedicine visit at the originating site and the system in use meets the definition of a telemedicine system.

Source: NM Administrative Code 8.310.2.12 M (4) & (5). (Accessed Sept. 2020).

Indian Health Services

Originating Site Fee:

- A telemedicine originating site fee is covered when the requirements of 8.310.2 NMAC are met;
- Both the originating and distant sites may be IHS or tribal facilities at two different locations or if the distant site is under contract to the IHS or tribal facility and would qualify to be an enrolled provider;



Medicaid Telehealth Reimbursement

Live Video	Facility/Transmission Fee	<ul style="list-style-type: none"> A telemedicine originating site fee is not payable if the telemedicine technology is used to connect an employee or staff member of a facility to the eligible recipient being seen at the same facility; <p>However, even if the service does not qualify for a telemedicine originating site fee, the use of telemedicine technology may be appropriate thereby allowing the service provided to meet the standards to qualify as an encounter by providing the equivalent of face-to-face contact.</p> <p>Source: NM Administrative Code 8.310.12.12. (Accessed Sept. 2020).</p>
	Policy	<p>MAD will reimburse for services delivered through store-and forward. To be eligible for payment under store-and-forward, the service must be provided through the transference of digital images, sounds, or previously recorded video from one location to another; to allow a consulting provider to obtain information, analyze it, and report back to the referring physician providing the telemedicine consultation. Store-and-forward telemedicine includes encounters that do not occur in real time (asynchronous) and are consultations that do not require a face-to-face live encounter between patient and telemedicine provider.</p> <p>Source: NM Administrative Code 8.310.2.12(M (3)). (Accessed Sept. 2020).</p>
Store-and-Forward	Eligible Services/Specialties	No reference found.
	Geographic Limits	No reference found.
	Transmission Fee	No reference found.



Medicaid Telehealth Reimbursement

Remote Patient Monitoring	Policy	No reference found.
	Conditions	No reference found.
	Provider Limitations	No reference found.
	Other Restrictions	No reference found.
Email / Phone / Fax	No reference found.	
Consent	<p>Behavioral Health Services To prescribe medication via telehealth, a prescribing clinician must obtain informed consent, obtain a medical history, and generate a medical record.</p> <p>Source: NM Human Services Dept. Behavioral Health Policy and Billing Manual for Providers Treating Medicaid Beneficiaries (2019) p. 31. (Accessed Sept. 2020).</p>	



When the originating site is in New Mexico and the distant site is outside New Mexico, the distant-site provider at the distant site must be licensed in New Mexico for telemedicine, or meet federal requirements for Indian Health Service or tribal contract facilities.

Source: NM Administrative Code 8.310.2.12 (M). (Accessed Sept. 2020).

MCOs must:

- Promote and employ broad-based utilization of statewide access to Health Insurance Portability and Accountability Act (HIPAA)-compliant telemedicine service systems including, but not limited to, access to text telephones or teletype (TTYs) and 711 telecommunication relay services;
- Follow state guidelines for telemedicine equipment or connectivity;
- Follow accepted HIPAA and 42 CFR part two regulations that affect telemedicine transmission, including but not limited to staff and contract provider training, room setup, security of transmission lines, etc; the MCO shall have and implement policies and procedures that follow all federal and state security and procedure guidelines;
- Identify, develop, and implement training for accepted telemedicine practices;
- Participate in the needs assessment of the organizational, developmental, and programmatic requirements of telemedicine programs;
- Report to HSD on the telemedicine outcomes of telemedicine projects and submit the telemedicine report; and
- Ensure that telemedicine services meet the following shared values, which are ensuring: competent care with regard to culture and language needs; work sites are distributed across the state, including native American sites for both clinical and educational purposes; and coordination of telemedicine and technical functions at either end of network connection.

The MCO shall participate in project extension for community healthcare outcomes (ECHO), in accordance with state prescribed requirements and standards, and shall:

- Work collaboratively with HSD, the university of New Mexico, and providers on project ECHO;
- Identify high needs, high cost members who may benefit from project ECHO participation;
- Identify its PCPs who serve high needs, high cost members to participate in project ECHO;
- Assist project ECHO with engaging its MCO PCPs in project ECHO’s center for Medicare and Medicaid innovation (CMMI) grant project;
- Reimburse primary care clinics for participating in the project ECHO model;
- Reimburse “intensivist” teams;
- Provide claims data to HSD to support the evaluation of project ECHO;
- Appoint a centralized liaison to obtain prior authorization approvals related to project ECHO; and
- Track quality of care and outcome measures related to project ECHO.

Source: NM Administrative Code 8.308.9.18. (Accessed Sept. 2020).

There must be an established prescriber-patient relationship to prescribe drugs or medical supplies. This includes prescribing over the Internet, or via other electronic means, based solely on an online questionnaire. Physicians, psychologists with prescriptive authority, physician assistants and advanced practice nurses may prescribe online during a live video exam. The prescribing clinician must: obtain a medical history, obtain informed consent and generate a medical record. A physical exam is recorded as appropriate by the telehealth practitioner but the exam may be waived when not normally a part of a typical face-to-face encounter for the services being provided.

Source: NM Human Services Dept. Behavioral Health Policy and Billing Manual for Providers Treating Medicaid Beneficiaries (2019) p. 31. (Accessed Sept. 2020).



Private Payer Laws	Definitions	<p>Telemedicine means the use of telecommunications and information technology to provide clinical health care from a distance. “Telemedicine” allows health care professionals to evaluate, diagnose and treat patients in remote locations using telecommunications and information technology in real time or asynchronously, including the use of interactive simultaneous audio and video or store-and-forward technology, or remote patient monitoring and telecommunications in order to deliver health care services to a site where the patient is located, along with the use of electronic media and health information. “Telemedicine” allows patients in remote locations to access medical expertise without travel.</p> <p>Source: NM Statute. 59A-22-49.3(L (6)) (Accessed Sept. 2020).</p>			
	Requirements	<p>An insurer shall provide coverage for services delivered via telemedicine to the same extent that the health insurance plan, policy or contract covers the same service in-person. An insurer shall not impose any unique condition for coverage of services provided via telemedicine.</p> <p>A determination that a service is not covered through the use of telemedicine are subject to review and appeal. Plans cannot require a health care provider to be physically present with the patient at the originating site unless the consulting provider deems it necessary. Insurers cannot impose an originating-site restriction or distinguish between telemedicine services provided to patients in rural and urban locations.</p> <p>Telemedicine services shall be encrypted and conform to state and federal privacy laws.</p> <p>Source: NM Statutes Annotated. Sec. 59A-22-49.3. (Accessed Sept. 2020).</p>			
	Parity	<table border="1"> <tr> <td>Service Parity</td> <td> <p>An insurer shall provide coverage for services provided via telemedicine to the same extent that the health insurance plan, policy or contract covers the same services in-person.</p> <p>An insurer shall reimburse for health care services delivered via telemedicine on the same basis and at least at the same rate that the insurer reimburses for comparable services delivered via in-person consultation or contact.</p> <p>Source: NM Statutes Annotated. Sec. 59A-22-49.3(A) & (I). (Accessed Sept. 2020).</p> </td> </tr> <tr> <td>Payment Parity</td> <td> <p>An insurer shall reimburse for health care services delivered via telemedicine on the same basis and at least at the same rate that the insurer reimburses for comparable services delivered via in-person consultation or contact.</p> <p>Source: NM Statutes Annotated. Sec. 59A-22-49.3(I). (Accessed Sept. 2020).</p> </td> </tr> </table>	Service Parity	<p>An insurer shall provide coverage for services provided via telemedicine to the same extent that the health insurance plan, policy or contract covers the same services in-person.</p> <p>An insurer shall reimburse for health care services delivered via telemedicine on the same basis and at least at the same rate that the insurer reimburses for comparable services delivered via in-person consultation or contact.</p> <p>Source: NM Statutes Annotated. Sec. 59A-22-49.3(A) & (I). (Accessed Sept. 2020).</p>	Payment Parity
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Professional Regulation/ Health & Safety	Definitions	<p>“Telehealth means the use of electronic information, imaging and communication technologies, including interactive audio, video and data communications as well as store-and-forward technologies, to provide and support health care delivery, diagnosis, consultation, treatment, transfer of medical data and education.”</p> <p>Source: NM Statutes Annotated Sec. 24-1G-3. (Accessed Sept. 2020).</p> <p>Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board</p> <p>“Telehealth” means the use of telecommunications and information technologies for the exchange of information from one site to another for the provision of audiology, speech-language pathology or hearing aid dispensing services to an individual from a provider through hardwire or internet connection.</p> <p>Source: NM Administrative Code 16.26.1.7(AA). (Accessed Sept. 2020).</p>			



Definitions

Osteopathic Medicine

“Telemedicine” means the practice of medicine across state lines using electronic communications, information technology or other means between a licensed osteopathic physician out-of-state and a patient in New Mexico. Telemedicine involves the application of secure videoconferencing or store-and-forward technology to provide or support healthcare delivery by replicating the traditional interaction of the in-person encounters between a provider and a patient.

Source: NM Administrative Code 16.17.1.7(T). (Accessed Sept. 2020).

Consent

Hearing, Speech and Audiology Practitioners

A licensed audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services to a client shall provide notice to the client, guardian, caregiver and multi-disciplinary team as appropriate, including but not limited to the right to refuse telehealth services, options for service delivery and instruction on filing and resolving complaints.

Source: NM Administrative Code 16.26.2.20(G). (Accessed Sept. 2020).

Online Prescribing

Prescribing, dispensing or administering drugs or medical supplies to a patient when there is no established physician-patient relationship, including prescribing over the internet or via other electronic means that is based solely on an on-line questionnaire is unprofessional conduct, except for:

- Physicians and physician assistants on call for another practitioner, or responsible for another practitioner’s patients in an established clinic or office, or acting as locum tenens where a physician-patient relationship has previously been established and documented in the practitioner’s or clinic’s record;
- Physicians and physician assistants in emergency room or urgent care settings;
- Prescriptions written to prepare a patient for special examination(s) or laboratory testing;
- Prescribing or dispensing for immunization programs;
- The provision of treatment for partners of patients with sexually transmitted diseases when this treatment is conducted in accordance with the expedited partner therapy guidelines and protocol published by the New Mexico department of health; and
- The provision of consultation, recommendation, or treatment during a face-to-face telehealth encounter online, using standard videoconferencing technology, where a medical history and informed consent are obtained and a medical record generated by the practitioner, and a physical examination is:
 - Recorded as appropriate by the practitioner, or a practitioner such as a physician, a physician or anesthesiologist assistant, or an advanced practice nurse, with the results communicated to the telehealth practitioner; or
 - Waived when a physical examination would not normally be part of a typical physical face-to-face encounter with the patient for the specific services being provided.

Source: Administrative Code 16.10.8.8(L). (Accessed Aug. 2020).

Cross-State Licensing

Medicine and Surgery

“The practice of medicine across state lines means the rendering of a written or otherwise documented medical opinion concerning diagnosis or treatment of a patient within this state, by a physician located outside this state, as a result of transmission of individual patient data by electronic, telephonic or other means from within this state, to the physician or the physician’s agent, OR the rendering of treatment to a patient within this state, by a physician located outside this state, as a result of transmission of individual patient data by electronic, telephonic or other means from within this state to the physician or the physician’s agent.”

Source: NM Statutes Annotated. Sec. 61-6-6(L) (2012). (Accessed Sept. 2020).

NM issues telemedicine licenses to providers who hold a full, unrestricted license in another state.

Source: NM Statutes Annotated, 1978 Sec. 61-6-11.1. (Accessed Sept. 2020)

Member of the Nurse Licensure Compact.

Source: Nurse Licensure Compact. Current NLC States and Status. NCSBN. (Accessed Sept. 2020).



Professional regulation with telehealth specific standards

- Speech Language Pathology, Audiology, and Hearing Aid Dispensing Practice Board

An audiologist, speech-language pathologist or hearing aid dispenser shall not deliver services to a client solely through the use of regular mail, facsimile or electronic mail, although these methods of communication may be used to supplement the face-to-face delivery of services or through the use of telecommunication technology.

Source: *NM Administrative Code 16.26.2.20. (Accessed Sept. 2020).*

New Mexico is also the home of Project ECHO. The project's mission is to develop the capacity to safely and effectively treat chronic, common, and complex diseases in rural and underserved areas, and to monitor outcomes of this treatment utilizing technology.

