

# West Virginia

## Medicaid Program: West Virginia Medicaid

**Program Administrator:** Bureau for Medical Services, under the West Virginia Dept. of Health and Human Resources

**Regional Telehealth Resource Center:** Mid-Atlantic Telehealth Resource Center <https://www.matrc.org>

## West Virginia 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
✓	✓	✗	✓	✗	IMLC, NLC, PTC, EMS, ASLP-IC	✓

## West Virginia Detailed Policy

Medicaid Telehealth Reimbursement	Summary	<p>West Virginia Medicaid reimburses for live video under some circumstances. Reimbursement is only made for real-time communications, therefore there is no reimbursement for store-and-forward or remote patient monitoring.</p>
	Definitions	<p>“Telehealth: The use of electronic information and telecommunications technologies to provide professional health care; often used to connect practitioners and clinical experts in large hospitals or academic medical centers with patients in smaller hospitals or critical access hospitals which are typically located in more remote locations; and can assure that these remotely located patients enjoy the same access to potentially life-saving technologies and expertise that are available to patients in more populated parts of the country.”</p> <p>“A telecommunication system is defined as an interactive audio and video system that permits real time communication between the member at the originating site and the practitioner at the distant site. The telecommunication technology must allow the treating practitioner at the distant site to perform a medical examination of the member that substitutes for an in-person encounter.”</p> <p><b>Source:</b> WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).</p> <p>Telehealth – for purposes of Medicaid, telemedicine seeks to improve a patient’s health by permitting two-way, real time interactive communication between the patient, and the physician or practitioner at the distant site. This electronic communication means the use of interactive telecommunications equipment that includes, at a minimum, audio and video equipment.</p> <p><b>Source:</b> WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–200 Definitions and Acronyms. (Nov. 1, 2016). (Accessed Sept. 2020).</p> <p>“Telehealth Services: Health care services provided through advanced telecommunications technology from one location to another. Medical information is exchanged in real-time communication from an Originating Site, where the participant is located, to a Distant Site, where the provider is located, allowing them to interact as if they are having a face-to-face, “hands-on” session.”</p> <p><b>Source:</b> WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter 522 Federally Qualified Health Center and Rural Health Clinic Svcs. P. 17. (Jul. 1, 2019). (Accessed Sept. 2020).</p>



To utilize Telehealth, providers must document that the service was rendered under that modality. When filing a claim, the provider must bill the service code with Place of Service code 02. West Virginia Medicaid covers and reimburses Telehealth services that are identified in designated polices as appropriate to be rendered through this modality.

West Virginia Medicaid does not limit Telehealth services to members in non-metropolitan statistical professional shortage areas as defined by the Centers for Medicare and Medicaid Services (CMS) Telehealth guidance.

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).

**Federally Qualified Health Center and Rural Health Clinic Services:**

The member must be able to see and interact with the off-site provider at the time services are provided via telehealth. Services provided via videophone or webcam are not covered.

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter 522.8 Federally Qualified Health Center and Rural Health Clinic Svcs. P. 9. (July 1, 2019). (Accessed Sept. 2020).

The distant site providers must bill the appropriate Current Procedural Terminology/Healthcare Common Procedure Coding System (CPT)/(HCPCS) code with the appropriate Place of Service code 02. The GT modifier is no longer required to be billed with the service code.

See the applicable chapters of the WV BMS Policy Manual for more detail on specific services, including whether telehealth is an accepted modality to render the service. If not indicated as available, telehealth should be considered a non-covered modality to render the service.

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. Revised Mar. 1, 2020. (Accessed Sept. 2020).

School-based health services manual refers to the Telehealth Chapter (519.17) of the practitioner manual, and lists under each code in the manual whether or not it is eligible for telehealth.

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–538 School-Based Health Services. Revised Aug. 1, 2019. (Accessed Sept. 2020).

Targeted case management can be conducted through telemedicine with the exception of the required 90 day face-to-face encounter with the targeted case manager.

**Source:** WV Dept. of Health and Human Svcs., Medicaid Provider Manual, Chapter 523: Targeted Case Management, p. 13 (Jul. 1, 2016). (Accessed Sept. 2020).

WV Medicaid encourages providers to render services via telehealth in the Behavioral Health Clinic Services program and for substance use disorder (SUD) waiver services. Under each code in the manuals, it lists whether or not the service is eligible for telehealth.

**Source:** WV Dept. of Health and Human Service Medicaid Provider Manual, Chapter–503.12 Licensed Behavioral Health Center Services (Jul. 15, 2018); 504.10 Substance Use Disorder Services (Jul. 1, 2019); 521.9 Behavioral Health Outpatient Services (Jan. 15, 2018). (Accessed Sept. 2020).



Eligible Providers

Authorized distant site providers include:

- Physicians;
- Physician Assistants (PA);
- Advanced Practice Registered Nurses (APRN)/Nurse Practitioners (NP)
- Certified Nurse Midwife (CNM);
- Clinical Nurse Specialists (CNS);
- Community Mental Health Center (CMHC);
- Licensed Behavioral Health Center (LBHC);
- Licensed Psychologists (LP) and Supervised Psychologist (SP);
- Licensed Independent Clinical Social Worker (LICSW); and
- Licensed Professional Counselor (LPC)

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17.1 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).

FQHC and RHC may only serve as a distant site for Telehealth services provided by a psychiatrist or psychologist and are reimbursed at the encounter rate.

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17.1 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020) & WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter 522 Federally Qualified Health Center and Rural Health Clinic Svcs. P. 9. (Jul. 1, 2019). (Accessed Sept. 2020).

Eligible Sites

Authorized originating sites:

- Offices of physicians or practitioners;
- Hospitals;
- Critical Access Hospitals (CAH);
- Rural Health Clinics (RHCs);
- Federally Qualified Health Centers (FQHCs);
- Hospital-based or CAH-based Renal Dialysis Centers (including satellites);
- Skilled Nursing Facilities (SNF);
- Licensed behavioral health centers
- Community Mental Health Centers (CMHC);
- School-Based Health Service sites; and
- Homes of members who are receiving treatment of substance abuse and/or mental health disorders via telehealth as identified in Chapters 503, 504, 521, 522, and 538 of the WV BMS Policy Manual.

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17.1 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).

Geographic Limits

WV Medicaid does not limit telehealth services to members in non-metropolitan statistical professional shortage areas as defined by CMS telehealth guidance.

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17.1 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).

Facility/Transmission Fee

An originating site must bill the appropriate telehealth originating site code (Q3014) unless the originating site is the home of the member. However facility fees are not covered.

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. Revised Mar. 1, 2020.(Accessed Sept. 2020).



## Medicaid Telehealth Reimbursement

Store-and-Forward	Policy	<p>Store and forward means the asynchronous computer-based communication of medical data or images from an originating location to a health care provider at another site for the purpose of diagnostic or therapeutic assistance.</p> <p>Store and Forward telehealth services may only be utilized for specific codes for the Optometrist provider type only.</p> <p><b>Source:</b> WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).</p>
	Eligible Services/Specialties	<p>Only available for optometrist providers for two specific codes.</p> <p><b>Source:</b> WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).</p>
	Geographic Limits	<p>No reference found.</p>
	Transmission Fee	<p>No reference found.</p>
	Conditions	<p>No reference found.</p>
Remote Patient Monitoring	Policy	<p>No reimbursement. WV Medicaid only reimburses for real time communications.</p> <p><b>Source:</b> WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).</p>
	Conditions	<p>No reference found.</p>



# Medicaid Telehealth Reimbursement

Remote Patient Monitoring	Provider Limitations	No reference found.
	Other Restrictions	No reference found.
Email / Phone / Fax	<p>No reimbursement for FAX.          No reimbursement for telephone.          No reimbursement for email.</p> <p><b>Source:</b> WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter-519.17.3 Non-Covered Services: Telehealth Services. (Revised Mar. 1, 2020) &amp; WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter 522.8 Federally Qualified Health Center and Rural Health Clinic Svcs. P. 9. (July 1, 2019). (Accessed Sept. 2020).</p>	
Consent	<p>Member’s consent to receive treatment via Telehealth shall be obtained and may be included in the member’s initial general consent for treatment. See manual for consent requirements.</p> <p><b>Source:</b> WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter-519.17.2 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).</p> <p>Provider must obtain patient’s (or legal guardian’s) written and verbal consent. The patient has the right to withdraw from telehealth services at any point for an alternative service. See manual for consent requirements.</p> <p><b>Source:</b> WV Dept. of Health and Human Svcs., Medicaid Provider Manual, Chapter 523: Targeted Case Management, p. 7 (Jul. 1, 2016); 521.9 Behavioral Health Outpatient Services. P. 9-10. (Jan. 15, 2018). (Accessed Sept. 2020).</p>	
Out of State Providers	No reference found.	



See manual for equipment standards and requirements.

**Source:** WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17.2 Practitioner Services: Telehealth Services. (Revised Mar. 1, 2020). (Accessed Sept. 2020).

Additional instructions regarding telehealth standards and billing available in the following manuals: Licensed Behavioral Health Center Services (Ch. 503); Substance Use Disorder Services (Ch. 504); Behavioral Health Outpatient Services (Ch. 521); Targeted Case Management (Ch. 523). Limited to specific CPT codes.

**Source:** WV Dept. of Health and Human Service Medicaid Provider Manual, Chapter–503.12 Licensed Behavioral Health Center Services (Jul. 15, 2018); 504.10 Substance Use Disorder Services (Jul. 1, 2019); 521.9 Behavioral Health Outpatient Services (Jan. 15, 2018).; 523.3 Targeted Case Management (Revised Jul. 1, 2016). (Accessed Sept. 2020).

**Newly Passed Legislation (Now Effective)**

“Telehealth services” means the use of synchronous or asynchronous telecommunications technology by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include audio-only telephone calls, e-mail messages, or facsimile transmissions.

**Source:** WV Statute Sec. 5-16-7b & 33-53-1 (HB 4003 – 2020 session). (Accessed Sept. 2020).

**Network Adequacy:** “Telemedicine” or “Telehealth” means health care services provided through telecommunications technology by a health care professional who is at a location other than where the covered person is located.

**Source:** WV Code Sec. 33-53-1 (HB 4061 – 2020 Session), & 33-55-1. (Accessed Sept. 2020).

**Newly Passed Legislation (Now Effective)**

An insurer shall provide coverage of health care services provided through telehealth services if those same services are covered through face-to-face consultation by the policy. The insurer may not exclude a service for coverage solely because the service is provided through telehealth services.

An originating site may charge an insurer a site fee.

The coverage required by this section shall include the use of telehealth technologies as it pertains to medically necessary remote patient monitoring services to the full extent that those services are available.

**Source:** WV Statute Sec. 5-16-7b & 33-53-1 (HB 4003 – 2020 session). (Accessed Sept. 2020).

Health carriers providing a network plan are required to maintain a network that is sufficient in numbers and appropriate types of providers. The commissioner shall determine sufficiency in accordance with the requirements of this section, and may establish sufficiency by reference to any reasonable criteria, which may include telemedicine or telehealth, among other components.

**Source:** WV Code Sec. 33-53-3 (HB 4061 – 2020 Session). (Accessed Sept. 2020).



## Private Payer Law

### Parity

#### Service Parity

The insurer shall provide coverage of health care services provided through telehealth services if those same services are covered through face-to-face consultation by the policy.

**Source:** WV Statute Sec. 5-16-7b & 33-53-1 (HB 4003 – 2020 session). (Accessed Sept. 2020).

#### Payment Parity

The insurer shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company.

**Source:** WV Statute Sec. 5-16-7b & 33-53-1 (HB 4003 – 2020 session). (Accessed Sept. 2020).

## Professional Regulation/Health & Safety

### Definitions

#### Recently Passed Legislation (Now Effective)

“Telehealth services” means the use of synchronous or asynchronous telecommunications technology by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include audio-only telephone calls, e-mail messages, or facsimile transmissions.

**Source:** WV Statute Sec. 30-1025 (HB 4003 – 2020 session). (Accessed Sept. 2020).

Practice of telemedicine means the practice of medicine using communication tools such as electronic communication, information technology or other means of interaction between a licensed health care professional in one location and a patient in another location, with or without an intervening health care provider, and typically involves secure real-time audio/video conferencing or similar secure audio/video services, remote monitoring, interactive video and store-and-forward digital image or health data technology to provide or support health care delivery by replicating the interaction of a traditional in-person encounter between a provider and a patient. The practice of telemedicine occurs in this state when the patient receiving health care services through a telemedicine encounter is physically located in this state.”

**Source:** WV Code Sec. 30-3-13.(b). (Accessed Sept. 2020).

“Telemedicine” means the practice of medicine using tools such as electronic communication, information technology, store and forward telecommunication or other means of interaction between a physician in one location and a patient in another location, with or without an intervening health care provider.

“Telemedicine technologies” means technologies and devices which enable secure electronic communications and information exchange in the practice of telemedicine, and typically involve the application of secure real-time audio/video conferencing or similar secure video services, remote monitoring, or store-and-forward digital image technology to provide or support healthcare delivery by replicating the interaction of a traditional in-person encounter between a physician or podiatrist and a patient.

**Source:** WV Code 30-14-12d (a(4)) & (a(5)); WV Code, 30-3-13a(a(4)) & (a(5)). (Accessed Sept. 2020).

“Telehealth” means the application of telecommunication, audio-visual, or other technologies that meets the applicable standard of care to deliver audiology or speech-language pathology services at a distance for assessment, intervention, or consultation.

**Source:** WV Code Sec. 30-32A-2. (Accessed Sept. 2020).

#### Medication Assisted Treatment Program

“Telehealth” means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment education, care management, and self-management of a patient’s health care while the patient is at the originating site and the health care provider is at a distant site.

**Source:** WV Code Sec. 16-5Y-2. (Accessed Sept. 2020).



## Definitions

“Telehealth” means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration.

**Source:** WV Code, Ch. 16, Article 2D, Sec. 16-2D-2.(45). (Accessed Sept. 2020).

## Consent

Must obtain consent.

**Source:** WV Code Sec. 30-14-12D(d(6)). (Accessed Sept. 2020).

## Online Prescribing

A “valid patient-practitioner relationship” can be established through telemedicine in a manner approved by the appropriate board.

**Source:** WV Code Sec. 30-5-4(67) (Accessed Sept. 2020).

A physician-patient relationship cannot be established through audio only communication, text communications or any combination thereof.

A physician-patient relationship can be established through the use of telemedicine technologies which incorporate interactive audio using store and forward technology, real-time videoconferencing or similar secure video services during the initial physician-patient encounter; or for the practice of pathology and radiology, a physician-patient relationship may be established through store and forward telemedicine or other similar technologies.

A physician or podiatrist may not prescribe any pain-relieving controlled substance listed in Schedules II through V of the Uniform Controlled Substance Act as part of a course of treatment for chronic nonmalignant pain solely based upon a telemedicine encounter.

A physician or podiatrist who practices medicine to a patient solely through the utilization of telemedicine technologies may not prescribe to that patient any controlled substances listed in Schedule II of the Uniform Controlled Substances Act. Certain exceptions apply.

A physician or health care provider may not prescribe any drug with the intent of causing an abortion.

**Source:** WV Code 30-14-12d. (Accessed Sept. 2020).

Prohibits providers from issuing prescriptions, via electronic or other means, for persons without establishing an ongoing physician-patient relationship, wherein the physician has obtained information adequate to support the prescription.

Exceptions:

- Documented emergencies;
- On-call or cross-coverage situations;
- Where patient care is rendered in consultation with another physician who has an ongoing relationship with the patient; and who has agreed to supervise the patient’s treatment, including use of any prescribed medications.

**Source:** WV Code of State Rules Sec. 11-1A-12.2(k). (Accessed Sept. 2020).

A practitioner providing medication-assisted treatment may perform certain aspects of telehealth if permitted under his or her scope of practice.

**Source:** WV Code Sec. 16-5Y-5(r) (SB 273 - 2018). (Accessed Sept. 2020).





Member of the interstate medical licensure compact.

**Source:** *Interstate Medical Licensure Compact. The IMLC. (Accessed Sept. 2020).*

Member of the Audiology & Speech-Language Pathology Interstate Compact.

**Source:** *ASLP Compact. (Accessed Sept. 2020).*

Member of the Physical Therapist Licensure Compact.

**Source:** *PT Compact. (Accessed Sept. 2020).*

Member of the Emergency Medical Services Personnel Licensure Compact.

**Source:** *EMS Compact. (Accessed Sept. 2020).*

Member of the Nurse Licensure Compact.

**Source:** *Nurse Licensure Compact. (Accessed Sept. 2020).*

Must hold active unexpired WV license.

**Source:** *WV Code Sec. 30-3-13 & 30-14-12d. (Accessed Sept. 2020).*

#### Professional Board Regulation:

- Board of Examiners for Speech-Language Pathology and Audiology

**Source:** *WV Admin. Law Sec. 29-1-15). (Accessed Sept. 2020).*

#### Recently Passed Legislation (Now Effective)

WV Statute requires each health care board to propose a rule for legislative approval to regulate telehealth practice that includes certain elements (see statute).

**Source:** *WV Statute Sec. 30-1-25 (HB 4003 – 2020 session). (Accessed Sept. 2020).*

