

Use of Telemental Health for People Affected by the Disaster Emergency

Situation:

We know you are concerned about novel coronavirus (COVID-19) and as the Commissioner of the Department of Health Dr. Zucker indicated, despite the reports of positive findings in New York, the risk for contracting the virus is still low. However, as the situation is rapidly evolving, this regulatory waiver is being offered to ensure that regardless of the extent of the crisis, mental health services can be maintained for our most vulnerable citizens.

We are aware that many providers have been contacting their local Field Offices to inquire about the use of telemental health for their recipients due to the current Coronavirus crisis. They are reporting that their recipients are expressing anxiety about leaving their homes. In addition, providers are also wanting to ensure proper emergency plans are in place to continue delivering services should there be a quarantine and staff are unable to leave their home.

Solution:

Providers who submit a Self-Attestation containing all of the elements below will be authorized to deliver services via telemental health for a time-limited period, not to exceed the disaster emergency. They will certify to the following:

- That the practitioner(s) will possess a current, valid license, permit, or limited permit to practice in NYS.
- That the transmission linkages will be dedicated, secure, and meet minimum federal and NYS requirements.
- That confidentiality will be maintained as required by NYS Mental Hygiene Law Section 33.13 and 45 CFR Parts 160 and 164 (HIPAA Privacy Rules).
- That claim modifiers “95” or “GT” will be used on each claim that represents a service via telemental health.

Providers will submit this Self-Attestation to Amy Smith at Amy.Smith@omh.ny.gov and keep a copy on file for review afterwards.

Steps Involved:

Sections of Part 596 will be waived to allow for a rapid approval of the use of telemental health to deliver services. This will include the administrative waiver of the following regulatory requirements applicable to telemental health services, including the written approval process, the need for policy and procedures (Section 596.5(b)), who needs to be present while the service is delivered (in the case of ACT; Section 596.5(c)(4)(ii)), where the recipient can be located (in the case of PROS; Section 596.5(c)(3)(ii)&(iv)), and the need for an initial assessment conducted in-person prior to the delivery of services via telemental health (Section 596.6(b)(1)).

Benefits:

Rapid approval of the use of telemental health to deliver services will allow for continuity of care, regardless of mandatory or self-imposed quarantines.