

West Virginia

Medicaid Program: West Virginia Medicaid

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

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STATE LAW/REGULATIONS	MEDICAID PROGRAM
Definition of telemedicine/telehealth	
<p><u>Expiring definition (Will be replaced by the “Newly Passed Legislation” noted below, as of June 10, 2016)</u></p> <p>“The practice of telemedicine means the use of electronic information and communication technologies to provide health care when distance separates participants. It includes one or both of the following:</p> <ol style="list-style-type: none"> 1. The diagnosis of a patient within this state by a physician located outside this state, as a result of the transmission of individual patient data, specimens or other material by electronic or other means from within this state to the physician or his or her agent; 2. 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, specimens or other material by electronic or other means from within this State to the physician or his or her agent.” <p><u>Newly Passed Legislation (Effective June 10, 2016)</u></p> <p>“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</p>	<p>“Telehealth: The use of electronic information and telecommunications technologies to provide professional health care; is 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>“The 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><i>Source: WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. Revised Jan. 15, 2016 (accessed Mar. 2016).</i></p>

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<p>care services through a telemedicine encounter is physically located in this state.”</p> <p><i>Source: WV Code Sec. 30-3-13.</i></p> <p><u>Newly Passed Legislation (Effective June 10, 2016)</u> "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.</p> <p><i>Source: WV Code Sec. 30-3-13 & 30-14-12d (SB 47 – 2016).</i></p>	
Live Video Reimbursement	
<p>No reference found.</p>	<p>West Virginia Medicaid reimburses for a limited number of telehealth services that are provided to enrolled members by enrolled practitioners via a telecommunication system. WV Medicaid utilizes CMS guidance on Telehealth Services. Limited to specific CPT codes (not necessarily consistent with CMS reimbursement).</p> <p>Authorized distant site providers include:</p> <ul style="list-style-type: none"> • Physicians; • Physician Assistants (PA); • Advanced Practice Registered Nurses (APRN)/Nurse Practitioners (NP) • APRN/Certified Nurse Midwife (CNM); • APRN/Clinical Nurse Specialists (CNS); • Licensed Psychologists (LP); and • Licensed Independent Clinical Social Worker (LICSW) <p>RHCs and FQHCs are not authorized to serve as distant sites for telehealth consultations, which is the location of the practitioner, and many not bill or include the cost of a visit on the cost report.</p> <p><i>Source: WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. Revised Jan. 15, 2016 (accessed Mar. 2016).</i></p> <p>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.</p> <p><i>Source: WV Dept. of Health and Human Svcs., Medicaid Provider Manual, Chapter 523: Targeted Case Management, p. 11 (Jan. 1, 2013).</i></p>

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	<p>WV Medicaid encourages providers to render services via telehealth in the Behavioral Health Clinic Services program.</p> <p><i>Source: WV Dept. of Health and Human Services Medicaid Provider Manual, Chapter–502 Covered Services Limitations, And Exclusions For Behavioral Health Clinic Services, p. 15 (Oct. 13, 2015); Behavioral Health Rehabilitation Services, p. 13 (Jul. 1, 2014); Psychological Services, p. 9 (Apr. 1, 2015); Psychiatric Services, p. 9 (Oct. 9, 2015); Licensed Independent Clinical Social Worker, p. 8 (Jul. 1, 2015); School-Based Health Services, p. 10 (Aug. 1, 2015).</i></p>
Store and Forward Reimbursement	
No reference found.	<p>No reimbursement. WV Medicaid only reimburses for real-time communications.</p> <p><i>Source: WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. Revised Jan. 15, 2016 (accessed Mar. 2016).</i></p>
Remote Patient Monitoring Reimbursement	
No reference found.	No reference found.
Email/Phone/FAX	
No reference found.	<p>No reimbursement for FAX. No reimbursement for telephone. No reimbursement for email.</p> <p><i>Source: WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. Revised Jan. 15, 2016 (accessed Mar. 2016).</i></p>
Online Prescribing	
<p>A “valid patient-practitioner relationship” can be established through telemedicine in a manner approved by the appropriate board.</p> <p><i>Source: WV Code Sec. 30-5-4.</i></p> <p>A physician-patient relationship cannot be established through audio only communication, text communications or any combination thereof.</p> <p>A physician-patient relationship can be established through real-time video conferencing or store and forward (for pathology and radiology).</p> <p>A physician or podiatrist who solely utilizes telemedicine may not prescribe to that patient any controlled substance in Schedule II of the Uniform Controlled Substances Act. A physician or podiatrist may not prescribe any pain-relieving controlled substance listed in Schedule II through V as part of a course of treatment for chronic non-malignant pain solely based on a telemedicine encounter.</p> <p><i>Source: WV Code Sec. 30-3-13 & 30-14-12d (SB 47 – 2016).</i></p>	No reference found.

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<p>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.</p> <p>Exceptions:</p> <ul style="list-style-type: none"> • 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. <p><i>Source: WV Code Sec. 11-1A-12.</i></p>	
Consent	
<p><u>Newly Passed Legislation (Effective June 10, 2016)</u> Must obtain consent.</p> <p><i>Source: WV Code Sec. 30-3-13 & 30-14-12d (SB 47 – 2016).</i></p>	<p>Patient consent must be obtained.</p> <p><i>Source: WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–502 Covered Svcs. Limitations, And Exclusions For Behavioral Health Clinic Services, p. 15 (Oct. 13, 2015); Behavioral Health Rehabilitation Services, p. 13 (Jul. 1, 2014); Psychological Services, p. 9 (Apr. 1, 2015); Psychiatric Services, p. 9 (Oct. 9, 2015); Licensed Independent Clinical Social Worker, p. 8 (Jul. 1, 2015); School-Based Health Services, p. 10 (Aug. 1, 2015).</i></p>
Location	
<p>No reference found.</p>	<p>Authorized originating sites:</p> <ul style="list-style-type: none"> • Offices of physicians or practitioners; • Private Psychological Practices; • Hospitals; • Rural Health Clinics (RHCs); • Federally Qualified Health Centers (FQHCs); • Hospital-based or CAH-based Renal Dialysis Centers (including satellites); • Skilled Nursing Facilities (SNF); and • Community Mental Health Centers (CMHC). <p>Independent Renal Dialysis Facilities are not eligible originating sites.</p> <p>WV Medicaid does not limit telehealth services to members in non-metropolitan statistical professional shortage areas as defined by CMS telehealth guidance.</p> <p><i>Source: WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. Revised Jan. 15, 2016 (accessed Mar. 2016).</i></p>
Cross-State Licensing	
<p>WV adopted the Federation of State Medical Board (FSMB)'s model language for an interstate medical</p>	<p>No reference found.</p>

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<p>licensure compact.</p> <p><i>Source: WV House Bill 2496 (2015).</i></p> <p>Recently Passed Legislation (Effective June 10, 2016)</p> <p>Must hold active unexpired WV license.</p> <p><i>Source: WV Code Sec. 30-3-13 & 30-14-12d (SB 47 – 2016).</i></p>	
Private Payers	
No reference found.	No reference found.
Site/Transmission Fee	
No reference found.	<p>An originating site can bill for a facility fee.</p> <p><i>Source: WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–519.17 Practitioner Services: Telehealth Services. Revised Jan. 15, 2016 (accessed Mar. 2016).</i></p>
Miscellaneous	
	<p>Additional instructions regarding telehealth standards and billing available in the following manuals: Behavioral Health Clinic (Ch. 502); Behavioral Health Rehabilitation (Ch. 503); Psychological Services (Ch. 521); Psychiatric Services (Ch. 536); Licensed Independent Clinical Social Worker (Ch. 537); School-Based Health Services (Ch. 538). Limited to specific CPT codes.</p> <p><i>Source: WV Dept. of Health and Human Svcs. Medicaid Provider Manual, Chapter–502 Covered Svcs., Limitations, And Exclusions For Behavioral Health Clinic Services, p. 15 (Oct. 13, 2015); Behavioral Health Rehabilitation Services, p. 13 (Jul. 1, 2014); Psychological Services, p. 9 (Apr. 1, 2015); Psychiatric Services, p. 9 (Oct. 9, 2015); Licensed Independent Clinical Social Worker, p. 8 (Jul. 1, 2015); School-Based Health Services, p. 10 (Aug. 1, 2015).</i></p>