

# North Dakota

**Medicaid Program:** North Dakota Medicaid

**Medicaid Program Administrator:** North Dakota Dept. of Human Services

**Regional Telehealth Resource Center:**

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STATE LAW/REGULATIONS	MEDICAID PROGRAM
<b>Definition of telemedicine/telehealth</b>	
<p>Telehealth:</p> <ul style="list-style-type: none"> <li>Means the use of interactive audio, video or other telecommunications technology that is used by a health care provider or health care facility at a distant site to deliver health services at an originating site and that is delivered over a secure connection that complies with the requirements of state and federal laws.</li> <li>Includes the use of electronic media for consultation relating to the health care diagnosis or treatment of a patient in real time or through the use of store and forward technology.</li> <li>Does not include the use of audio only telephone, electronic mail, or facsimile transmissions.</li> </ul> <p><i>Source: ND Code Sec. 26.1-36-09.15.</i></p> <p><b><u>Newly Adopted Regulation (Now Effective)</u></b>            "Telemedicine" means the practice of medicine using electronic communication, information technologies, or other means between a licensee in one location and a patient in another location, with or without an intervening health care provider. The term includes direct interactive patient encounters as well as asynchronous store-and-forward technologies and remote monitoring.</p> <p><i>Source: ND Admin Code 50-2-15</i></p> <p><b><u>Stroke system of care task force</u></b>            "Telemedicine services means the use of interactive audio, video, and other electronic media used for the purpose of diagnosis, consultation, or treatment of acute stroke."</p> <p><i>Source: ND House Bill 1323 (2015), ND Statute Sec. 23-43-05.</i></p>	<p>Telemedicine is the use of interactive audio-video equipment to link practitioners and patients at different sites.</p> <p><i>Source: Medicaid Medical Policy. North Dakota Department of Human Services: Policy Number NDMP-2012-0007. Telemedicine Services. (July 27, 2017) (Accessed Apr. 2018).</i></p>

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<p>North Dakota uses federal definitions for "internet" and "practice of telemedicine" set in the Ryan Haight Online Pharmacy Consumer Protection Act of 2008.</p> <p><i>Source: ND Century Code, Sec. 19-02.1-15.1.</i></p> <p>“Telemedicine means the practice of medicine by a practitioner, other than a pharmacist, who is at a location remote from the patient, and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system.”</p> <p><i>Source: Ryan Haight Online Pharmacy Consumer Protection Act of 2008 [Pub. L. 110-425; 21 U.S.C. 802-803].</i></p> <p><b>Physical Therapy:</b>  “Telehealth” is the use of electronic communications to provide and deliver a host of health-related information and healthcare services, including, but not limited to physical therapy related information and services, over large and small distance. Telehealth encompasses a variety of healthcare and health promotion activities, including, but not limited to, education, advice, reminders, interventions, and monitoring of interventions.</p> <p><i>Source: ND Admin. Code 61.5-01-02-01.</i></p>	
<b>Live Video Reimbursement</b>	
<p>North Dakota’s Worker Compensation Act provides reimbursement for live video.</p> <p>Eligible services:</p> <ul style="list-style-type: none"> <li>• Office or other outpatient visits;</li> <li>• New evaluation visits and established management visits;</li> <li>• Individual psychotherapy visits;</li> <li>• Pharmacologic management visits.</li> </ul> <p>The patient must be present and participate in the appointment.</p> <p>The professional fee is equal to comparable in-person services.</p> <p><i>Source: ND Admin. Code 92-01-02-34.</i></p>	<p>North Dakota Medicaid will reimburse for live video services as long as the patient is present during the service. Actual visual contact (face-to-face) must be maintained between practitioner and patient.</p> <p><i>Source: ND Dept. of Human Svcs., General Information For Providers, Medicaid and Other Medical Assistance Programs, p. 129 (Apr. 2012) (Accessed Apr. 2018).</i></p> <p>Eligible services:</p> <ul style="list-style-type: none"> <li>• New and established Office and other outpatient E/M services</li> <li>• Psychiatric diagnostic evaluation</li> <li>• Individual psychotherapy</li> <li>• Pharmacologic management</li> <li>• Speech Therapy, individual</li> <li>• Initial inpatient telehealth consultation</li> </ul> <p>GT modifier must be used.</p> <p>Reimbursement is made only to the distant practitioner during the telemedicine session. No reimbursement is allowed to the originating site practitioner if he/she solely presents the patient to the distant site practitioner.</p> <p>Requires an individual to be present during the telehealth service; and to ensure a connection has been established with the distant physician.</p>

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	<p>Out of state requests for telemedicine services require prior authorization.</p> <p>See Telemedicine Services Policy for eligible CPT code list.</p> <p><i>Source: Medicaid Medical Policy. North Dakota Department of Human Services: Policy Number NDMP-2012-0007. Telemedicine Services. (July 27, 2017) (Accessed Apr. 2018).</i></p> <p><b><u>Indian Health Services</u></b> Reimbursement for telemedicine is on the same basis as those provided for face-to-face contact.</p> <p><i>Source: ND MMIS Web Portal. Indian Health Services. April 2015. (Accessed Apr. 2018).</i></p>
<b>Store and Forward Reimbursement</b>	
No reference found.	<p>North Dakota Medicaid does not reimburse for store and forward.</p> <p><i>Source: ND Dept. of Human Svcs., General Information For Providers, Medicaid and Other Medical Assistance Programs, p. 129 (April 2012) (accessed Apr. 2018).</i></p>
<b>Remote Patient Monitoring Reimbursement</b>	
No reference found.	No reference found.
<b>Email/Phone/FAX</b>	
<p>Telehealth does not include audio-only telephone, electronic mail or facsimile transmission.</p> <p><i>Source: ND Code Sec. 26.1-36-09.15.</i></p>	<p>No reference found for email. No reimbursement for telephone. No reference found for FAX.</p> <p><i>Source: ND Dept. of Human Svcs., General Information For Providers, Medicaid and Other Medical Assistance Programs, p. 126 (April 2012) (accessed Apr. 2018).</i></p>
<b>Online Prescribing</b>	
<p><b><u>Newly Adopted Regulation (Now Effective)</u></b> A patient-licensee relationship must be established prior to treatment of a patient. The evaluation and examination can be done entirely through telemedicine if it is equivalent to an in-person examination.</p> <p>An examination done only through a static online questionnaire or an audio conversation may not be considered to meet the standard of care. It is recognized that in some telemedicine situations, utilizing asynchronous store and forward technology or electronic monitoring, it is not necessary for an independent examination of the patient.</p> <p><i>Source: ND Admin Code 50-2-15 <a href="http://www.legis.nd.gov/information/acdata/pdf/50-02-15.pdf">http://www.legis.nd.gov/information/acdata/pdf/50-02-15.pdf</a></i></p>	No reference found.

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<p>A valid prescription via e-prescribing means a prescription has been issued for a legitimate medical purpose, in the usual course of professional practice, by a practitioner who has first conducted an in-person medical evaluation of the patient. An in-person medical evaluation can include the referring practitioner having performed the exam, in the case of telemedicine.</p> <p><i>Source: ND Centennial Code, Sec. 19-02.1-15.1.</i></p>	
<b>Consent</b>	
No reference found.	No reference found.
<b>Location</b>	
No reference found.	<p>Originating and distant site must not be in the same facility or community. The distant site must be a sufficient distance from the originating site to provide services to patients who do not have readily available access to such specialized services allowed/reimbursed by ND Medicaid via telemedicine.</p> <p><i>Source: Medicaid Medical Policy. North Dakota Department of Human Services: Policy Number NDMP-2012-0007. Telemedicine Services. (July 27, 2017) (Accessed Apr. 2018).</i></p>
<b>Cross-State Licensing</b>	
<p><b><u>Newly Adopted Regulation (Now Effective)</u></b>The practice of medicine is deemed to occur in the state the patient is located. Practitioners providing medical care to patients located in North Dakota are subject to the licensing and disciplinary laws of North Dakota and must possess an active North Dakota license for their profession.</p> <p><i>Source: ND Admin Code 50-2-15</i></p> <p>The ND Medical Board may engage in reciprocal licensing agreements with out-of-state licensing agencies, but is not required to do so.</p> <p><i>Source: ND Century Code Sec. 43-17-21 (2012).</i></p>	No reference found.
<b>Private Payers</b>	
<p>Requires insurers to provide coverage for services delivered via telehealth. Payment of expenses may be established through negotiations conducted between the insurer and health services providers.</p> <p>A policy is not required to provide coverage for health services that are not medically necessary, subject to the terms and conditions of the policy.</p> <p><i>Source: ND Code Sec. 26.1-36-09.15.</i></p>	No reference found.
<b>Site/Transmission Fee</b>	

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<p>Under the Worker's Compensation Act, the originating sites may receive a facility fee, not to exceed \$20.</p> <p><i>Source: ND Admin. Code 92-01-02-34.</i></p>	<p>Reimbursement will be made to the originating site as a facility fee only in place of service office, inpatient hospital, outpatient hospital, or skilled nursing facility/nursing facility. There is no additional reimbursement for equipment, technicians or other technology or personnel utilized in the performance of the telemedicine service.</p> <p><i>Source: Medicaid Medical Policy. North Dakota Department of Human Services: Policy Number NDMP-2012-0007. Telemedicine Services. (July 27, 2017) (Accessed Apr. 2018).</i></p>
<b>Miscellaneous</b>	
<p>For all policies in the Public Employees Retirement System that become effective after June 30, 2015 and don't extend passed June 30, 2017 to board shall provide coverage for telehealth services the same as in-person.</p> <p>The public employees' retirement system must prepare and submit for introduction a bill to the 65<sup>th</sup> legislative assembly to repeal the expiration date to the Act, and apply telehealth coverage to all group and individual insurance policies.</p> <p><i>Source: ND House Bill 1038 (2015), ND Statute Sec. 54-52.1-04.13.</i></p>	

Comments:

Professional Board Telehealth-Specific Regulations

- North Dakota Board of Medicine (*Source: ND Admin Code 50-2-15*)  
<http://www.legis.nd.gov/information/acdata/pdf/50-02-15.pdf>