

# Utah

**Medicaid Program:** Utah Medicaid

**Medicaid Program Administrator:** Utah Dept. of Health

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STATE LAW/REGULATIONS	MEDICAID PROGRAM
<b>Definition of telemedicine/telehealth</b>	
<p>"Digital health service means the electronic transfer, exchange, or management of related data for diagnosis, treatment, consultation, educational, public health, or other related purposes."</p> <p><i>Source: UT Code Annotated Sec. 26-9f-102.</i></p> <p><b><u>Recently Passed Legislation (Effective May 9, 2017)</u></b>            "Telehealth services" means the transmission of health-related services or information through the use of electronic communication or information technology.</p> <p>"Telemedicine services" means telehealth services including:</p> <ul style="list-style-type: none"> <li>• Clinical care;</li> <li>• Health education;</li> <li>• Health administration;</li> <li>• Home health; or</li> <li>• Facilitation of self-managed care and caregiver support; and...</li> </ul> <p>Must be provided by a provider to a patient through a method of communication that:</p> <ul style="list-style-type: none"> <li>• Uses asynchronous store and forward transfer; or</li> <li>• Uses synchronous interaction; and...</li> </ul> <p>Meets industry security and privacy standards, including compliance with:</p> <ul style="list-style-type: none"> <li>• The federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended; and</li> <li>• The federal Health Information Technology for Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended.</li> </ul> <p><i>Source: Utah Code, Sec. 26-59-102 (HB 154 – 2017).</i></p>	<p>Telehealth or Telemedicine is a technological method of providing auditory and visual connection between the skilled home health care nurse at a Telehealth site and the patient living in a rural Utah area.</p> <p><i>Source: Utah Medicaid Provider Manual: Home Health Agencies, p. 18 (Aug. 2017). (Accessed Apr. 2018).</i></p> <p>Telemedicine "is two-way, real-time interactive communication between the member and the physician or authorized provider at the distant site. This electronic communication uses interactive telecommunications equipment that includes, at a minimum, audio and video equipment."</p> <p><i>Source: Utah Medicaid Provider Manual: Section I: General Information, p. 47 (Apr. 2018). (Accessed Apr. 2018) &amp; R414-42-1.</i></p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<b>Live Video Reimbursement</b>	
<p>Providers are eligible for reimbursement under Utah's Medical Assistance Program.</p> <p><i>Source: UT Code Annotated Sec. 26-18-13.</i></p> <p><b>Recently Passed Legislation (Effective May 9, 2017)</b>  All health insurance plans must disclose whether the insurer provides coverage for telehealth services in accordance with section 26-18-13.5 and terms associated with that coverage.</p> <p><i>Source: UT Code 31A-22-613.5 (HB 154 – 2017).</i></p>	<p>Utah Medicaid covers medically appropriate services delivered via telemedicine.</p> <p>Services include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Consultation services</li> <li>• Evaluation and management services</li> <li>• Mental health services</li> <li>• Substance use disorder services</li> </ul> <p>Limitations:</p> <ul style="list-style-type: none"> <li>• Must be HIPAA compliant</li> <li>• Must comply with Utah Health Information Network Standards for Telehealth</li> </ul> <p>The provider at the originating site receives no additional reimbursement for the use of telemedicine.</p> <p>Modifier GT is required. See manual for high level list of services that can be delivered via telemedicine.</p> <p><i>Source: Utah Medicaid Provider Manual: Section I: General Information, p. 44 (Apr. 2018). (Accessed Apr. 2018).</i></p> <p>The Medicaid program is required to reimburse for personal mental health therapy office visits provided through telemedicine services and telepsychiatric consultations at a rate set by the Medicaid program (includes managed care plans). Also see Misc. section.</p> <p><i>Source: UT Code 26-18-13.5.</i></p> <p>Covered services may be delivered by means of telemedicine, as clinically appropriate, including consultation, evaluation and management services mental health services and substance use disorder services. Must comply with Utah Health Information Network standards for telehealth.</p> <p>The Department pays the lesser of the amount billed or the rate on the fee schedule.</p> <p><i>Source: R414-42.</i></p>
<b>Store and Forward Reimbursement</b>	
<p>No reference found.</p>	<p>Utah Medicaid defines telemedicine as “two-way, real time interactive communication” excluding store and forward from the definition.</p> <p>Services with the GQ modifier (indicating asynchronous) is not covered.</p> <p><i>Source: Utah Medicaid Provider Manual: Section I: General Information, p. 47 (Apr. 2018). (Accessed Apr. 2018).</i></p>

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<b>Remote Patient Monitoring Reimbursement</b>	
<p>(see Medicaid column)</p>	<p>The Skilled Nursing Pilot Project (listed in previous version of CCHP's report) has been removed from manual.  <i>Source: Medicaid Information Bulletin January 2018.</i></p> <p>Home telemetry for outpatient long-term cardiac monitoring is allowed with prior authorization. Criteria include:</p> <ul style="list-style-type: none"> <li>• Must be ordered by a BC/BE neurologist</li> <li>• Client must have had a stroke or TIA with no identifiable cause</li> <li>• Client should have already had 24 hour monitoring done previously</li> <li>• Client should not be currently taking anti-coagulated or Warfarin for any other reason</li> <li>• Client should not have a known contraindication for Warfarin</li> <li>• Outpatient long-term cardiac monitoring may only be authorized for the 30 day test</li> <li>• Data from the test must be reviewed and interpreted by a BC/BE cardiologist</li> </ul> <p><i>Source: Utah Medicaid Provider Manual: Physician Manual, p. 20 (Nov. 2017). Accessed Apr. 2018).</i></p>
<b>Email/Phone/FAX</b>	
No reference found.	No reference found.
<b>Online Prescribing</b>	
<p>Before providing treatment or prescribing a prescription drug, provider must:</p> <ul style="list-style-type: none"> <li>• Obtain and document patient's relevant clinical history and current symptoms;</li> <li>• Be available to a patient who receives telehealth services for subsequent care related to the initial telemedicine services, in accordance with community standards of practice;</li> <li>• Be familiar with available medical resources, including emergency resources near the originating site, in order to make appropriate patient referrals when medically indicated; and</li> <li>• Make available to each patient receiving telehealth services the patient's medical records.</li> </ul> <p><i>Source: Utah Code, Sec. 26-59-103 (HB 154 – 2017).</i></p> <p>Providers must first obtain information in the usual course of professional practice that is sufficient to establish a diagnosis, to identify conditions, and to identify potential risks to the proposed treatment.</p>	No reference found.

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<p>Internet-based questionnaires or interactions on toll-free telephone numbers, when there exists no other bona fide patient-practitioner relationship or bona fide referral by a practitioner involved in an existing patient-practitioner relationship, are prohibited.</p> <p><i>Source: UT Code Annotated Sec. 58-1-501.</i></p>	
<b>Consent</b>	
No reference found.	No reference found.
<b>Location</b>	
No reference found.	No reference found.
<b>Cross-State Licensing</b>	
<p>An out-of-state physician may practice without a Utah license if:</p> <ul style="list-style-type: none"> <li>• The physician is licensed in another state, with no licensing action pending and at least 10 years of professional experience;</li> <li>• The services are rendered as a public service and for a noncommercial purpose;</li> <li>• No fee or other consideration of value is charged, expected or contemplated, beyond an amount necessary to cover the proportionate cost of malpractice insurance;</li> <li>• The physician does not otherwise engage in unlawful or unprofessional conduct.</li> </ul> <p><i>Source: UT Code Annotated Sec. 58-67-305.</i></p> <p>A mental health therapist licensed in another state can provide short term transitional mental health therapy or transitional substance use disorder counseling remotely if:</p> <ul style="list-style-type: none"> <li>• The mental health therapist is present in the state where he/she is licensed;</li> <li>• The client relocates to Utah, and was a client immediately before the relocation;</li> <li>• The therapy or counseling is provided for a maximum of 45 days after the client relocates;</li> <li>• Within 10 days of the client's relocation, the mental health therapist provides a written notice to the Division of Occupational and Professional Licensing of their intent to provide therapy/counseling remotely; and</li> <li>• The mental health therapist does not engage in unlawful or unprofessional conduct.</li> </ul> <p><i>Source: Laws of UT. 68-61-307</i></p>	No reference found.

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<p>Utah adopted the Federation of State Medical Board (FSMB)'s model language for an interstate medical licensure compact.</p> <p><i>Source: UT House Bill 121 (2015). MN Statute Sec 58-67b-101-125.</i></p> <p>Utah adopted the Psychology Interjurisdictional Compact.</p> <p><i>Source: UT 58-61b-101 (SB 106 – 2017).</i></p>	
<b>Private Payers</b>	
<p><b><u>Recently Passed Legislation (Effective: Jan. 1, 2019)</u></b></p> <p>A health benefit plan that offers coverage for mental health services shall:</p> <ul style="list-style-type: none"> <li>• Provide coverage for telepsychiatric consultation during or after an initial visit between the patient and a referring in-network physician;</li> <li>• Provide coverage for a telepsychiatric consultation from an out-of-network board certified psychiatrist if the consultant is not made available to a physician within seven business days after the initial request is made by an in-network provider; and</li> <li>• Reimburse for the services at the equivalent of the in-network or out-of-network rate set by the benefit plan after taking into account cost-sharing that may be required under the health benefit plan.</li> </ul> <p>An insurer can also meet the requirement to cover telepsychiatric consultation for a patient by providing coverage for behavioral health treatment (see statute for details).</p> <p><i>Source: UT Statute 31A-22-647 (HB 139 – 2018).  <a href="https://le.utah.gov/~2018/bills/static/HB0139.html">https://le.utah.gov/~2018/bills/static/HB0139.html</a></i></p>	<p>No reference found.</p>
<b>Site/Transmission Fee</b>	
<p>No reference found.</p>	<p>The provider at the originating site receives no additional reimbursement for the use of telemedicine.</p> <p><i>Source: Utah Medicaid Provider Manual: Section I: General Information, p. 47 (Apr. 2018). (Accessed Apr. 2018) &amp; R414-42.</i></p>
<b>Miscellaneous</b>	

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<p>If a hospital participates in telemedicine, it shall develop and implement policies governing the practice of telemedicine in accordance with the scope and practice of the hospital.</p> <p>These policies shall address security, access and retention of telemetric data, and define the privileging of all health professionals who participate in telemedicine.</p> <p><i>Source: UT Code R432-100-33.</i></p> <p>A Health Reform Task Force (comprised of House and Senate members) shall review and make recommendations on telehealth services.</p> <p><i>Source: UT Code Annotated Sec. 49.1(b) HB 0036.</i></p> <p>UT Division of Substance Abuse and Mental Health is required to issue an RFP to create a telehealth mental health pilot project.</p> <p><i>Source: UT Code, 62A-15-114. (HB308 -2018).</i></p> <p>UT Department of Health is required to issue a RFP for telehealth grant proposals to develop and implement a telehealth pilot project in the state. (Repealed beginning Jan. 1, 2020.</p> <p><i>Source: UT Code, Sec. 26-59-101 (HB 345 – 2017). Source (Repeal): HB 52 – 2018.</i></p>	<p><b><u>Recently Passed Legislation</u></b></p> <p>Before Dec. 1, 2017, the Medicaid program must issue a report on the results of reimbursement of telemedicine personal mental health therapy office visits, among other components.</p> <p><i>Source: UT Code 26-18-13.5 &amp; 26-59-105 (HB 154 – 2017).</i></p> <p>Providers should use Place of Service code 02 when delivering services from a distance.</p> <p><i>Source: UT Medicaid Provider Bulletin. Apr. 2018. Sec. 17-82.</i></p>

**COMMENTS:**

During the 2016 legislative session the Utah Education and Telehealth Network was appropriated \$1,160,000 in one time funding.

*Source: UT HB Bill 277 (2016).*