

# New Mexico

**Medicaid Program:** New Mexico Medicaid

**Program Administrator:** New Mexico Human Services Dept., Medical Assistance Division (MAD)

**Regional Telehealth Resource Center:** Southwest Telehealth Resource Center

**Covers the States of:** Arizona, Colorado, Nevada, New Mexico & Utah

[www.southwesttrc.org](http://www.southwesttrc.org)

Medicaid Telehealth Reimbursement	Summary	<p>New Mexico Medicaid reimburses for live video telehealth at the same rate as when services are provided in-person as well as store-and-forward. There is no reference to remote patient monitoring.</p>	
	Definitions	<p>No reference found.</p>	
	Live Video	<table border="1"> <tr> <td>Policy</td> <td> <p>New Mexico Medicaid will reimburse for live video at the same rate as when the services are furnished without the use of a telecommunication system.</p> <p><b>Source:</b> <i>NM Administrative Code 8.310.2. (Accessed Sept. 2018).</i></p> <p>Telemedicine is also covered by NM Managed Care.</p> <p><b>Source:</b> <i>NM Medical Assistance Division Managed Care Policy Manual, p. 258. Apr. 2017. (Accessed Sept. 2018).</i></p> <p><b>Managed Care Program</b> The benefits package includes telemedicine services.</p> <p><b>Source:</b> <i>NM Admin Code Sec. 8.309.4.16 &amp; 8.308.9.18. (Accessed Sept. 2018).</i></p> <p>Provision of telemedicine services does not require that a certified Medicaid healthcare provider be physically present with the patient at the originating site unless the telemedicine consultant at the distant site deems it necessary.</p> <p><b>Source:</b> <i>NM Administrative Code 8.310.2.12 (M). (Accessed Sept. 2018).</i></p> </td> </tr> </table>	Policy
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# Medicaid Telehealth Reimbursement

## Live Video

Eligible Services / Specialties

No reference found.

Eligible Providers

No reference found.

Eligible Sites

School-based services provided via telemedicine are covered.

**Source:** *NM Administrative Code 8.320.6.13(H). (Accessed Sept. 2018).*

An interactive telehealth communication system must include both interactive audio and video, and be delivered on a real-time basis at both the originating and distant sites. The originating site can be any medically warranted site. Coverage for services rendered through telemedicine shall be determined in a manner consistent with Medicaid coverage for health care services provided through in-person consultation.

**Source:** *NM Administrative Code 8.310.2.12 (M). (Accessed Sept. 2018).*

Geographic Limits

No reference found.

Facility/Transmission Fee

Reimbursement is made to the originating site for an interactive telehealth system fee at the lesser of the following:

- Provider's billed charge;
- Maximum allowed by MAD for the specific service or procedure.

A telemedicine originating-site communication fee is also covered if the eligible recipient was present at and participated in the telemedicine visit at the originating site.

**Source:** *NM Administrative Code 8.310.2.12 (M(4)). (Accessed Sept. 2018).*

An originating site facility fee is not payable if telemedicine is used to connect an employee or staff member of a facility to the eligible recipient being seen at the same facility.

**Source:** *NM Register. Volume XXV, No. 20. Oct. 30, 2014. (Accessed Sept. 2018).*

### Indian Health Services

A telemedicine facility fee is paid. Both the originating and distant sites may be IHS or tribal facilities at two different locations, or a distant site can be under contract to the IHS or tribal facility and would qualify to be an enrolled provider.

**Source:** *NM Administrative Code 8.310.12.12.(Accessed Sept. 2018).*

# Medicaid Telehealth Reimbursement

		Store-and-Forward
Store-and-Forward	Policy	<p>New Mexico Medicaid does reimburse for store-and-forward. To be eligible, the service must be provided through the transfer of digital images, sounds, or previously recorded video from one location to another. It does not need to occur in real time.</p> <p><b>Source:</b> <i>NM Administrative Code 8.310.2. (Accessed Sept. 2018).</i></p>
	Eligible Services/Specialties	No reference found.
	Geographic Limits	No reference found.
	Transmission Fee	<p>Reimbursement is made to the originating site for an interactive telehealth system fee at the lesser of the following:</p> <ul style="list-style-type: none"> <li>• Provider's billed charge;</li> <li>• Maximum allowed by MAD for the specific service or procedure.</li> </ul> <p><b>Source:</b> <i>NM Administrative Code 8.310.2.12 (M(4)). (Accessed Sept. 2018).</i></p>
		Remote Patient Monitoring
Remote Patient Monitoring	Policy	No reference found.
	Conditions	No reference found.

## Medicaid Telehealth Reimbursement

Remote Patient Monitoring	Provider Limitations	No reference found.
	Other Restrictions	No reference found.
Email / Phone / Fax	No reference found.	
Consent	No reference found.	
Out of State Providers	<p>When the originating site is in New Mexico and the distant site is outside New Mexico, the distant-site provider at the distant site must be licensed in New Mexico for telemedicine, or meet federal requirements for Indian Health Service or tribal contract facilities.</p> <p><b>Source:</b> <i>NM Administrative Code 8.310.2.12 (M). (Accessed Sept. 2018).</i></p>	
Miscellaneous	<p>MCOs must:</p> <ul style="list-style-type: none"> <li>Promote and employ broad-based utilization of statewide access to Health Insurance Portability and Accountability Act (HIPAA)-compliant telemedicine service systems including, but not limited to, access to text telephones or teletype (TTYs) and 711 telecommunication relay services;</li> <li>Follow state guidelines for telemedicine equipment or connectivity;</li> </ul>	

Medicaid Telehealth Reimbursement

Miscellaneous

- Follow accepted HIPAA and 42 CFR part two regulations that affect telemedicine transmission, including but not limited to staff and contract provider training, room setup, security of transmission lines, etc; the MCO shall have and implement policies and procedures that follow all federal and state security and procedure guidelines;
- Identify, develop, and implement training for accepted telemedicine practices;
- Participate in the needs assessment of the organizational, developmental, and programmatic requirements of telemedicine programs;
- Report to HSD on the telemedicine outcomes of telemedicine projects and submit the telemedicine report; and
- Ensure that telemedicine services meet the following shared values, which are ensuring: competent care with regard to culture and language needs; work sites are distributed across the state, including native American sites for both clinical and educational purposes; and coordination of telemedicine and technical functions at either end of network connection.

The MCO shall participate in project extension for community healthcare outcomes (ECHO), in accordance with state prescribed requirements and standards, and shall:

- Work collaboratively with HSD, the university of New Mexico, and providers on project ECHO;
- Identify high needs, high cost members who may benefit from project ECHO participation;
- Identify its PCPs who serve high needs, high cost members to participate in project ECHO;
- Assist project ECHO with engaging its MCO PCPs in project ECHO's center for Medicare and Medicaid innovation (CMMI) grant project;
- Reimburse primary care clinics for participating in the project ECHO model;
- Reimburse "intensivist" teams;
- Provide claims data to HSD to support the evaluation of project ECHO;
- Appoint a centralized liaison to obtain prior authorization approvals related to project ECHO; and
- Track quality of care and outcome measures related to project ECHO.

Source: NM Regulation 8.308.9.18.

Private Payer Laws

Definitions

Telemedicine means the use of interactive simultaneous audio and video or store-and-forward technology using information and telecommunications technologies by a health care provider to deliver health care services at a site other than the site where the patient is located, including the use of electronic media for consultation relating to the health care diagnosis or treatment of the patient in real time or through the use of store-and-forward technology.

Source: NM Statute. 59A-22-49.3. (Accessed Sept. 2018).

Requirements

An insurer shall allow covered benefits to be provided through telemedicine services. Covered services through telemedicine are determined in a manner consistent with coverage for health care services provided through in-person consultation. A determination that a service is not covered through the use of telemedicine are subject to review and appeal. Plans cannot require a health care provider to be physically present with the patient at the originating site unless the consulting provider deems it necessary.

Telemedicine services shall be encrypted and conform to state and federal privacy laws.

Source: NM Statute. 59A-22-49.3. (Accessed Sept. 2018).

Private Payer Laws	Parity	Service Parity	<p>An insurer shall allow covered benefits to be provided through telemedicine services.</p> <p><b>Source:</b> <i>NM Statute. 59A-22-49.3. (Accessed Sept. 2018).</i></p>
		Payment Parity	<p>No explicit payment parity.</p> <p>Covered services through telemedicine are determined in a manner consistent with coverage for health care services provided through in-person consultation.</p> <p><b>Source:</b> <i>NM Statute. 59A-22-49.3. (Accessed Sept. 2018).</i></p>
Professional Regulation/Health & Safety	Definitions	<b>Medicine and Surgery</b>	<p>“The practice of medicine across state lines means the rendering of a written or otherwise documented medical opinion concerning diagnosis or treatment of a patient within this state, by a physician located outside this state, as a result of transmission of individual patient data by electronic, telephonic or other means from within this state, to the physician or the physician’s agent, OR 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 by electronic, telephonic or other means from within this state to the physician or the physician’s agent.”</p> <p><b>Source:</b> <i>NM Statutes Annotated, 1978 Sec. 61-6-6 (2012). (Accessed Sept. 2018).</i></p>
			<p>“Telehealth means the use of electronic information, imaging and communication technologies, including interactive audio, video and data communications as well as store-and-forward technologies, to provide and support health care delivery, diagnosis, consultation, treatment, transfer of medical data and education.”</p> <p><b>Source:</b> <i>NM Statutes Annotated Sec. 24-1G-3. (Accessed Sept. 2018).</i></p>
		<b>Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board</b>	<p>“Telehealth” means the use of telecommunications and information technologies for the exchange of information from one site to another for the provision of audiology, speech-language pathology or hearing aid dispensing services to an individual from a provider through hardware or internet connection.</p> <p><b>Source:</b> <i>NMAC 16.26.1.7(AA). (Accessed Sept. 2018).</i></p>
		<b>Osteopathic Medicine</b>	<p>“Telemedicine” means the practice of medicine across state lines using electronic communications, information technology or other means between a licensed osteopathic physician out of state and a patient in New Mexico. Telemedicine involves the application of secure videoconferencing or store-and-forward technology to provide or support healthcare delivery by replicating the traditional interaction of the in-person encounters between a provider and a patient.</p> <p><b>Source:</b> <i>16.17.1.7 NMAC. (Accessed Sept. 2018).</i></p>
	Consent	<b>Hearing, Speech and Audiology Practitioners</b>	<p>A licensed audiologist, speech-language pathologist or hearing aid dispenser using telecommunication technology to deliver services to a client shall provide notice to the client, guardian, caregiver and multi-disciplinary team as appropriate, including but not limited to the right to refuse telehealth services, options for service delivery and instruction on filing and resolving complaints.</p> <p><b>Source:</b> <i>16.26.2.20 NMAC. (Accessed Sept. 2018).</i></p>

Prescribing, dispensing or administering drugs or medical supplies to a patient when there is no established physician-patient relationship, including prescribing over the internet or via other electronic means that is based solely on an on-line questionnaire is unprofessional conduct, except for:

- Physicians and physician assistants on call for another practitioner, or responsible for another practitioner's patients in an established clinic or office, or acting as locum tenens where a physician-patient relationship has previously been established and documented in the practitioner's or clinic's record;
- Physicians and physician assistants in emergency room or urgent care settings;
- Prescriptions written to prepare a patient for special examination(s) or laboratory testing;
- Prescribing or dispensing for immunization programs;
- The provision of treatment for partners of patients with sexually transmitted diseases when this treatment is conducted in accordance with the expedited partner therapy guidelines and protocol published by the New Mexico department of health; and
- The provision of consultation, recommendation, or treatment during a face-to-face telehealth encounter online, using standard videoconferencing technology, where a medical history and informed consent are obtained and a medical record generated by the practitioner, and a physical examination is:
  - Recorded as appropriate by the practitioner, or a practitioner such as a physician, a physician or anesthesiologist assistant, or an advanced practice nurse, with the results communicated to the telehealth practitioner; or
  - Waived when a physical examination would not normally be part of a typical physical face-to-face encounter with the patient for the specific services being provided.

**Source:** 16.10.8.8 NMAC. (Accessed Sept. 2018).

NM issues telemedicine licenses to providers who hold a full, unrestricted license in another state and has good moral character.

**Source:** NM Statutes Annotated, 1978 Sec. 61-6-11.1 and 16.10.2.11.

NM Board of Osteopathic Medicine will issue telemedicine license.

**Source:** NM Statute Chapter 61, Article 10, Sec. 11.1. (Repealed – Effective July 1, 2022).

New Mexico is a member of the Nurse Licensure Compact.

**Source:** Nurse Licensure Compact. Current NLC States and Status. NCSBN. (Accessed Sept. 2018).

### Professional regulation with telehealth specific standards

- Speech Language Pathology, Audiology, and Hearing Aid Dispensing Practice Board

**Source:** NMAC 16.26.2.20.7. (Accessed Sept. 2018).

An audiologist, speech-language pathologist or hearing aid dispenser shall not deliver services to a client solely through the use of regular mail, facsimile or electronic mail, although these methods of communication may be used to supplement the face-to-face delivery of services or through the use of telecommunication technology.

**Source:** 16.26.2.20 NMAC. (Accessed Sept. 2018).

New Mexico is also the home of Project ECHO. The project's mission is to develop the capacity to safely and effectively treat chronic, common, and complex diseases in rural and underserved areas, and to monitor outcomes of this treatment utilizing technology.

