

# New Hampshire

**Medicaid Program:** New Hampshire Medicaid

**Program Administrator:** Dept. of Health and Human Services

**Regional Telehealth Resource Center:** Northeast Telehealth Resource Center

**Covers the States of:** Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island & Vermont

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Medicaid Telehealth Reimbursement	Summary	<p>New Hampshire Medicaid follows the Center for Medicare and Medicaid Services requirements and Federal regulations for the use of telehealth and telemedicine. Reimbursement is available for live video under some circumstances. There is no reimbursement for store-and-forward or remote patient monitoring services, based on Medicare restrictions.</p>	
	Definitions	<p>“Telehealth services” and the term “telemedicine” shall comply with 42 C.F.R. section 410.78 and the Centers for Medicare and Medicaid Services requirements, except for 42 C.F.R. section 410.78(b)(4).</p> <p><b>Source:</b> <i>NH Revised Statutes 167:4-d (Accessed Sept. 2019).</i></p>	
	Live Video	Policy	<p>Limited reimbursement for some live video services. NH Medicaid follows the reimbursement policies of Medicare with the exception of CMS’ geographic requirement. However, CMS’ restrictions on modality, originating site, services, and distance providers still apply.</p> <p>A Medicaid program is not prohibited from providing coverage for only those services that are medically necessary and subject to all other terms and conditions of the coverage.</p> <p><b>Recently Passed Legislation</b> Telemedicine services for primary care and substance use disorder services are covered only when the patient has established care at an originating site via face-to-face in-person service.</p> <p><b>Source:</b> <i>NH Revised Statutes 167:4-d (Accessed Sept. 2019) (SB – 258).</i></p>
		Eligible Services / Specialties	<p>New Hampshire Medicaid complies with the Centers for Medicare and Medicaid Service requirements for telehealth. See Medicare’s list of CPT codes for a full list of services reimbursable under New Hampshire Medicaid.</p> <p><b>Source:</b> <i>NH Revised Statutes 167:4-d &amp; Centers for Medicare and Medicaid Services. Medicare Learning Network Booklet, p. 6-9. (Jan. 2019). (Accessed Sept. 2019).</i></p>



Eligible Providers

Providers who may receive reimbursement (based on Medicare list):

- Physician
- Physician assistant
- Nurse practitioner
- Clinical nurse specialist
- Nurse-midwife
- Clinical psychologist and clinical social worker (may not seek payment for medical evaluation and management services)
- Registered dietician or nutrition professional
- Certified registered nurse anesthetist

**Source:** NH Revised Statutes 167:4-d & 42 CFR Sec. 410.78(b)(2). (Accessed Sept. 2019).

Eligible Sites

Authorized originating sites are (based on Medicare list):

- The offices of physicians or practitioners
- Hospitals
- Critical Access Hospitals (CAHs)
- Rural Health Clinics
- Federally Qualified Health Centers
- Hospital-based or CAH-based Renal Dialysis Centers (including satellites)
- Skilled Nursing Facilities (SNFs) and
- Community Mental Health Centers (CMHCs)
- Renal Dialysis Facilities
- Homes of beneficiaries with End-Stage Renal Disease (ESRD) getting home dialysis
- Mobile Stroke Units

**Recently Passed Legislation**

Additional originating sites listed in NH Statute include:

- Health care facilities
- Patient's home
- Other nonmedical environments such as a school-based health center, a university-based health center, or a patient's workplace

**Source:** NH Revised Statutes 167:4-d (SB – 258) & Centers for Medicare and Medicaid Services. Medicare Learning Network Booklet, p. 4. (Jan. 2019). (Accessed Sept. 2019).

The Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act removes the originating site geographic conditions and adds an individual's home as a permissible originating telehealth services site for treatment of a substance use disorder or a co-occurring mental health disorder.

**Source:** NH Revised Statutes 167:4-d & Centers for Medicare and Medicaid Services. Medicare Learning Network Booklet, p. 3. (Jan. 2019). & H.R. 6 –115th Congress (2017-2018) (Accessed Sept. 2019).

Geographic Limits

New Hampshire Medicaid does not follow 42 CFR 410.78(b)(4), listing geographic and site restrictions on originating sites. No other reference found.

**Source:** NH Revised Statutes 167:4-d (Accessed Sept. 2019).



## Medicaid Telehealth Reimbursement

Store-and-Forward	Facility/Transmission Fee	<p>New Hampshire Medicaid complies with the Centers for Medicare and Medicaid Service requirements for telehealth. Based on the Medicare requirements, originating sites are eligible for a facility fee.</p> <p><b>Source:</b> <i>NH Revised Statutes 167:4-d &amp; Centers for Medicare and Medicaid Services. Medicare Learning Network Booklet, p. 10. (Jan. 2019). (Accessed Sept. 2019).</i></p>
	Policy	<p><b>Recently Passed Legislation</b></p> <p>New Hampshire Medicaid reimburses for store-and-forward as it pertains to telemedicine and as an exception to 42 CFR 410.78. Store-and-forward includes the forwarding and/or transfer of stored medical data from the originating site to the distant site through the use of any electronic device that records data in its own storage and forwards its data to the distant site via telecommunication for the purpose of diagnostic and therapeutic assistance.</p> <p><b>Source:</b> <i>NH Revised Statutes 167:4-d (SB – 258) &amp; Centers for Medicare and Medicaid Services. Medicare Learning Network Booklet, p. 6. (Jan. 2019). (Accessed Sept. 2019).</i></p>
	Eligible Services/Specialties	No reference found.
	Geographic Limits	No reference found.
	Transmission Fee	No reference found.
Remote Patient Monitoring	Policy	<p><b>Recently Passed Legislation</b></p> <p>New Hampshire Medicaid reimburses for remote patient monitoring, which may or may not take place in real-time. Remote patient monitoring includes assessment, observation, education and virtual visits provided by all covered providers including licensed home health care providers.</p> <p><b>Source:</b> <i>NH Revised Statutes 167:4-d (SB – 258) &amp; 42 CFR Sec. 410.78(a)(3). (Accessed Sept. 2019).</i></p>



## Medicaid Telehealth Reimbursement

Remote Patient Monitoring	Conditions	No reference found.
	Provider Limitations	No reference found.
	Other Restrictions	No reference found.
Email / Phone / Fax	<p>No reimbursement for email.          No reimbursement for telephone.          No reimbursement for FAX.</p> <p><b>Source:</b> <i>NH Revised Statutes 167:4-d &amp; 42 CFR Sec. 410.78(a)(3). (Accessed Sept. 2019).</i></p>	
Consent	<p>Parental consent is required when delivering medical services reimbursed by Medicaid to children in public schools.</p> <p><b>Source:</b> <i>NH Revised Statutes 167:3-k (Accessed Sept. 2019).</i></p>	
Out of State Providers	No reference found.	



Private Payer Laws	Miscellaneous	<p>As of December 1, 2013, New Hampshire Medicaid transitioned to a managed care model of administration under three health plans. These plans each have their own telehealth coverage policy.</p> <p><b>Source:</b> <i>Provider Quick Reference Guide. (Accessed Sept. 2019).</i></p>	
	Definitions	<p>“Telemedicine, as it pertains to the delivery of health care services, means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. Telemedicine does not include the use of audio-only telephone or facsimile.”</p> <p><b>Source:</b> <i>NH Revised Statutes Annotated, 415-J:2. (Accessed Sept. 2019).</i></p>	
	Requirements	<p>Insurers are not prohibited from providing coverage for only those services that are medically necessary and subject to the terms and conditions of the covered person’s policy.</p> <p><b>Source:</b> <i>NH Revised Statutes Annotated, 415-J:3 (Accessed Sept. 2019).</i></p>	
	Parity	Service Parity	<p>Insurers may not deny coverage for services on the sole basis that the coverage is provided through telemedicine if the health care service would be covered if it were provided through in-person consultation between the covered person and a health care provider.</p> <p><b>Recently Passed Legislation (Effective January 1, 2020)</b> Covered services includes remote patient monitoring and store-and-forward.</p> <p><b>Source:</b> <i>NH Revised Statutes Annotated, 415-J:3 (SB – 258) (Accessed Sept. 2019).</i></p>
		Payment Parity	<p>No explicit payment parity.</p>



## Definitions

Telemedicine means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. Telemedicine shall not include the use of audio-only telephone or facsimile.

**Source:** *NH Revised Statutes Annotated, 329:1-d-1 (Accessed Sept. 2019).*

## Consent

Patient consent is required prior to forwarding medical records to the patient's primary care or treating provider, if appropriate.

**Source:** *NH Revised Statutes Annotated, 329:1-d-V(c) (Accessed Sept. 2019).*

## Online Prescribing

A physician-patient relationship requires an in-person exam that may take place via a face-to-face two-way real time interactive communication. Prescribing drugs to individuals without a physician-patient relationship is prohibited, except under the following conditions:

- Writing admission orders for a newly hospitalized patient;
- A patient of another provider for whom the prescriber is taking call;
- A prescription for a patient who has been examined by a physician assistant, nurse practitioner, or other licensed practitioner;
- Medication on a short-term basis for a new patient prior to the patient's first appointment;
- When providing limited treatment to a family member in accordance with the American Medical Association Code of Medical Ethics.

**Source:** *NH Revised Statutes Annotated, Sec. 329:1-c. (Accessed Sept. 2019).*

It is unlawful to prescribe through telemedicine a controlled drug classified in schedule II through IV.

**Source:** *NH Revised Statutes Annotated, 329:1-d. (Accessed Sept. 2019).*

A prescription of a non-opioid controlled drug classified in schedule II through IV via telemedicine shall be limited to certain practitioners who are treating a patient with whom the prescriber has an in-person practitioner-patient relationship, for purposes of monitoring or follow-up care, and who are treating patients at a state designated community mental health center or a Substance Abuse and Mental Health Services Administration-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug.

A prescription of an opioid controlled drug classified in schedule II through IV via telemedicine shall be limited to prescribers who are treating patients at a Substance Abuse and Mental Health Services Administration-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug.

Subsequent in-person exams must be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

**Source:** *NH Revised Statutes Annotated 318-B:2(XVI). (Accessed Sept. 2019).*



Member of the Nurse Licensure Compact.

**Source:** *Current NLC States and Status. Nurse Licensure Compact. (Accessed Sept. 2019).*

Member of the Physical Therapy Compact.

**Source:** *Compact Map. Physical Therapy Compact. (Accessed Sept. 2019).*

Member of the Interstate Medical Licensure Compact.

**Source:** *The IMLC. Interstate Medical Licensure Compact. (Accessed Sept. 2019).*

Member of the Psychology Interjurisdictional Compact (PSYPACT).

**Source:** *PSYPACT. Legislative Updates. (Accessed Sept. 2019).*

An out-of-state physician providing services via telemedicine or teleradiology shall be deemed to be in the practice of medicine and required to be licensed in New Hampshire. This does not apply to physicians who provide consultation services.

**Source:** *NH Revised Statutes Annotated, 329:1-d-II. & NH Revised Statutes Annotated, 329:1-b (Accessed Sept. 2019).*

A committee has been established to study health care reimbursement for telemedicine and telehealth in New Hampshire. The committee must report its findings by Nov. 1, 2018.

**Source:** *NH HB 1471 (2018). (Accessed Sept. 2019).*

A board of medical imaging professionals and radiation therapists shall adopt rules relative to standards of care for the practice of telemedicine or telehealth.

**Source:** *NH Revised Statutes Annotated, 328-J:7-XIII. (Accessed Sept. 2019).*

