

Oklahoma

Medicaid Program: SoonerCare

Program Administrator: Oklahoma Health Care Authority

Regional Telehealth Resource Center: Heartland Telehealth Resource Center www.heartlandtrc.org

Oklahoma Policy At-a-Glance

MEDICAID REIMBURSEMENT			PRIVATE PAYER LAW		PROFESSIONAL REQUIREMENTS	
LIVE VIDEO	STORE-AND-FORWARD	REMOTE PATIENT MONITORING	LAW EXISTS	PAYMENT PARITY	LICENSING COMPACT	CONSENT REQUIREMENT
✓	✗	✗	✓	✗	IMLC, NLC, PTC, PSYPACT	✓

Oklahoma Detailed Policy

Medicaid Telehealth Reimbursement	Summary	<p>SoonerCare reimburses for live video telehealth. Store-and-Forward and Remote Patient Monitoring must be compensable by the Oklahoma Health Care Authority (OHCA) in order to be reimbursed.</p>
	Definitions	<p>For purposes of SoonerCare reimbursement, telehealth is the use of interactive audio, video or other electronic media for the purpose of diagnosis, consultation or treatment that occur in real-time and when the member is actively participating during the transmission.</p> <p>Source: Health Care Authority, Providers, Telehealth. (Accessed Feb. 2020).</p> <p>Telehealth” means the practice of health care delivery, diagnosis, consultation, evaluation and treatment, transfer of medical data or exchange of medical education information by means of a two-way, real-time interactive communication, not to exclude store and forward technologies, between a patient and a health care provider with access to and reviewing the patient’s relevant clinical information prior to the telemedicine visit. Telehealth shall not include consultations provided by telephone audio-only communication, electronic mail, text message, instant messaging conversation, website questionnaire, nonsecure video conference, or facsimile transmission.</p> <p>Source: OK Admin. Code Sec. 317:30-3-27 (a(4)). (Accessed Feb. 2020).</p>
	Live Video	Policy



Eligible Services / Specialties

OHCA has discretion and final authority to approve or deny telehealth services based on agency and/or SoonerCare members’ needs. See Medicaid Telehealth webpage for a link to a full list of eligible CPT Codes for Medical and Behavioral Health Services. Services provided by telehealth must be billed with the appropriate modifier.

Source: *OK Admin. Code Sec. 317:30-3-27 & Health Care Authority, Providers, Telehealth (Accessed Feb. 2020).*

Physical, Occupational and Speech and Hearing Services

For physical therapy, occupational therapy, and/or speech and hearing services that are provided in a primary or secondary school setting, but that are not school-based services (i.e., not provided pursuant to an IEP), providers must adhere to all State and Federal requirements relating to prior authorization and prescription or referral.

Source: *OK Admin. Code Sec. 317:30-3-27(d). (Accessed Feb. 2020).*

Eligible Providers

To participate, a provider must:

- Be contracted with SoonerCare and appropriately licensed
- Bill for services using the appropriate modifier (GT)
- Maintain documentation of services, to include: service rendered, location at which service was rendered, and that service was provided via telemedicine. (Documentation of services must follow all other SoonerCare documentation guidelines as well.)

Source: *Oklahoma Health Care Authority, Telehealth. (Accessed Feb. 2020).*

For behavioral health, certain services are only reimbursed when provided by a licensed psychiatrist, certified mobile crisis team or an inpatient psychiatric facility.

Source: *Oklahoma Health Care Authority, Behavioral Health Services Reimbursable via telemedicine. Updated July 18, 2018. (Accessed Feb. 2020).*

Eligible Sites

The medical or behavioral health related service must be provided at an appropriate site for the delivery of telehealth services. An appropriate telehealth site is one that has the proper security measures in place; the appropriate administrative, physical, and technical safeguards should be in place that ensures the confidentiality, integrity, and security of electronic protected health information. The location of the room for the encounter at both ends should ensure comfort, privacy, and confidentiality. Both visual and audio privacy are important, and the placement and selection of the rooms should consider this. Appropriate telehealth equipment and networks must be used considering factors such as appropriate screen size, resolution, and security. Providers and/or members may provide or receive telehealth services outside of Oklahoma when medically necessary; however, prior authorization may be required.

Source: *OK Admin. Code Sec. 317:30-3-27(c)(3). (Accessed Feb. 2020).*

School Setting

In order for OHCA to reimburse medically necessary telehealth services provided to SoonerCare members in a primary or secondary school setting, all of the requirements in (c) above must be met, with the exception of (c)(5), as well as all of the requirements shown below, as applicable. There are special consent and notification requirements for school-based sites. See Oklahoma Code.

Physical therapy, occupational therapy, and/or speech and hearing services that are provided in a primary or secondary school setting, but that are not school-based services (i.e., not provided pursuant to an IEP), providers must adhere to all State and Federal requirements relating to prior authorization and prescription or referral.

Source: *OK Admin. Code Sec. 317:30-3-27(d). (Accessed Feb. 2020).*



Medicaid Telehealth Reimbursement

Live Video	Geographic Limits	No reference found.
	Facility/Transmission Fee	<p>The cost of telehealth equipment and transmission is not reimbursable by SoonerCare.</p> <p>Source: <i>OK Admin. Code Sec. 317:30-3-27(e)(4). (Accessed Feb. 2020).</i></p>
Store-and-Forward	Policy	<p>Health care services delivered by telehealth such as remote patient monitoring, store-and-forward, or any other telehealth technology must be compensable by OHCA in order to be reimbursed.</p> <p>Services provided by telehealth must be billed with the appropriate modifier.</p> <p>If the technical component of an X-ray, ultrasound or electrocardiogram is performed during a telehealth transmission, the technical component can be billed by the provider that provided that service. The professional component of the procedure and the appropriate visit code should be billed by the provider that rendered that service.</p> <p>Source: <i>OK Admin. Code Sec. 317:30-3-27(e). (Accessed Feb. 2020).</i></p>
	Eligible Services/Specialties	No reference found.
	Geographic Limits	No reference found.
	Transmission Fee	<p>The cost of telehealth equipment and transmission is not reimbursable by SoonerCare.</p> <p>Source: <i>OK Admin. Code Sec. 317:30-3-27(e)(4). (Accessed Feb. 2020).</i></p>



Medicaid Telehealth Reimbursement

Remote Patient Monitoring	Policy	<p>Health care services delivered by telehealth such as remote patient monitoring, store-and-forward, or any other telehealth technology must be compensable by OHCA in order to be reimbursed.</p> <p>Services provided by telehealth must be billed with the appropriate modifier.</p> <p>The cost of telehealth equipment and transmission is not reimbursable by SoonerCare.</p> <p style="color: orange; font-size: small;">Source: OK Admin. Code Sec. 317:30-3-27(e). (Accessed Feb. 2020).</p>
	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 style="color: orange; font-size: small;">Source: OK Admin. Code Sec. 317:30-3-27(a). (Accessed Feb. 2020).</p>	
Consent	<p>There will be no dissemination of any member images or information to other entities without written consent from the member or member's parent or legal guardian, if the member is a minor.</p> <p>In order for OHCA to reimburse medically necessary telehealth services provided to SoonerCare members in a primary or secondary school setting, all of the telehealth requirements must be met, with the exception of the requirement that a parent or legal guardian being there to present the child, as well as all of the requirements shown below, as applicable.</p> <ul style="list-style-type: none"> Advance parent or legal guardian consent for telehealth services must be obtained for minors, in accordance with 25 O.S. " 2004 through 2005. Additional consent requirements shall apply to school-based services. For telehealth medical services provided in a primary or secondary school setting, the telehealth practitioner must provide a summary of the service, including, but not limited to, information regarding the exam findings, prescribed or administered medications, and patient instructions, to: (1) The SoonerCare member, if he or she is an adult, or the member's parent or legal guardian, if the member is a minor; or (2) The SoonerCare member's primary care provider, if requested by the member or the member's parent or legal guardian. 	



Medicaid Telehealth Reimbursement

Consent

Even though physical therapy, occupational therapy, and/or speech and hearing services are not subject to the notification requirements of OAC 317:30-3-27(d)(2), said services must still comply with all other State and Federal Medicaid requirements, in order to be reimbursable by Medicaid. Accordingly, for those physical therapy, occupational therapy, and/or speech and hearing services that are provided in a primary or secondary school setting, but that are not school-based services (i.e., not provided pursuant to an IEP), providers must adhere to all State and Federal requirements relating to prior authorization and prescription or referral.

Source: *OK Admin. Code Sec. 317:30-3-27(d). (Accessed Feb. 2020).*

Out of State Providers

The provider must be contracted with SoonerCare and appropriately licensed or certified, in good standing. Services that are provided must be within the scope of the practitioner’s license or certification. If the provider is outside of Oklahoma, the provider must comply with all laws and regulations of the provider’s location, including health care and telehealth requirements.

Providers and/or patients may provide or receive telehealth services outside of Oklahoma when medically necessary.

Source: *OK Admin. Code Sec. 317:30-3-27(c)(3 & 4). (Accessed Feb. 2020).*

Miscellaneous

All telehealth activities must comply with Oklahoma Health Care Authority (OHCA) policy, and all other applicable State and Federal laws and regulations.

See administrative code for specific documentation requirements.

Source: *OK Admin. Code Sec. 317:30-3-27(c)(7) & (f). (Accessed Feb. 2020).*

Private Payer Laws

Definitions

“Telemedicine means the practice of health care delivery, diagnosis, consultation, treatment, including but not limited to, the treatment and prevention of strokes, transfer of medical data, or exchange of medical education information by means of audio, video, or data communications. Telemedicine is not a consultation provided by telephone or facsimile machine.”

Source: *OK Statute, Title 36, Sec. 6802. (Accessed Feb. 2020).*

Requirements

For services determined to be appropriately provided by means of telemedicine, health care service plans, disability insurer programs, workers’ compensation programs, or state Medicaid managed care program contracts issued, amended, or renewed on or after January 1, 1998, shall not require person-to-person contact between a health care practitioner and a patient.

Source: *OK Statute, Title 36 Sec. 6803. (Accessed Feb. 2020).*



Private Payer Laws	Parity	Service Parity	<p>If a provider determines that telemedicine is an appropriate way to deliver care, an insurer cannot require person-to-person contact.</p> <p>Source: OK Statute, Title 36 Sec. 6803. (Accessed Feb. 2020).</p>
		Payment Parity	<p>No explicit payment parity.</p>
Professional Regulation/Health & Safety	Definitions	<p>Telemedicine means the practice of health care delivery, diagnosis, consultation, evaluation and treatment, transfer of medical data or exchange of medical education information by means of a two-way, real-time interactive communication, not to exclude store-and-forward technologies, between a patient and a physician with access to and reviewing the patient’s relevant clinical information prior to the telemedicine visit. “Telemedicine” and “store-and-forward technologies” shall not include consultations provided by telephone audio-only communication, electronic mail, text message, instant messaging conversation, website questionnaire, nonsecure video conference or facsimile machine.</p> <p>Source: OK Statute, Title 59, Sec. 478. (Accessed Feb. 2020).</p> <p>“Telemedicine means the practice of health care delivery, diagnosis, consultation, treatment, including but not limited to, the treatment and prevention of conditions appropriate to treatment by telemedicine management, transfer of medical data, or exchange of medical education information by means of audio, video, or data communications. Telemedicine is not a consultation provided by telephone or facsimile machine.</p> <p>This definition excludes phone or Internet contact or prescribing and other forms of communication, such as web-based video, that might occur between parties that does not meet the equipment requirements as specified in OAC 435:10-7-13 and therefore requires an actual face-to-face encounter. Telemedicine physicians who meet the requirements of OAC 435:10-7-13 do not require a face-to-face encounter.</p> <p>Source: OK Admin Code Sec. 435: 10-1-4. (Accessed Feb. 2020).</p> <p>“Telemedicine” means the practice of health care delivery, diagnosis, consultation, evaluation, treatment, transfer of medical data, or exchange of medical education information by means of audio, video, or data communications. Telemedicine uses audio and video multimedia telecommunication equipment which permits two-way real time communication between a health care practitioner and a patient who are not in the same physical location. Telemedicine shall not include consultation provided by telephone or facsimile machine.</p> <p>Source: OK Statute Title 43A-1-103.(18) (Accessed Feb. 2020).</p> <p>SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY Telepractice means the use of audio, video or data communication to provide speech-language pathology and audiology services to clients who are not present at the same site as the licensee when the service is provided.</p> <p>Source: OK Admin Code Sec. 690: 10-3-9(a). (Accessed Feb. 2020).</p>	



No dissemination of any member images or information to other entities without written consent from the member.

In order for OHCA to reimburse medically necessary telehealth services provided to SoonerCare members in a primary or secondary school setting, advance parent or legal guardian consent for telehealth services must be obtained for minors.

Source: *OK Admin. Code Sec. 317:30-3-27(c)(9) & (d).* (Accessed Feb. 2020).

A valid physician-patient relationship may be established by an allopathic or osteopathic physician with a patient located in this state through telemedicine, provided that the physician:

- Holds a license to practice medicine in this state;
- Confirms the patient's identity and physical location; and
- Provides the patient with the treating physician's identity and professional credentials.

Telemedicine and store and forward technology encounters shall comply with the Health Insurance Portability and Accountability Act of 1996 and ensure that all patient communications and records are secure and confidential. Telemedicine encounters and encounters involving store-and-forward technology shall not be used to establish a valid physician-patient relationship for purpose of prescribing opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisprodol, but may be used to prescribe opioid antagonists or partial agonists.

The relationship shall not be based solely on the receipt of patient health information by a physician. The duties and obligations created by a physician-patient relationship shall not apply until the physician affirmatively:

- Undertakes to diagnose and treat the patient; or
- Participates in the diagnosis and treatment of the patient.

Source: *OK Statutes, Title 59, Ch. 11 Sec. 478.1* (Accessed Feb. 2020).

Unprofessional Conduct includes prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship and not prescribing in a safe, medically accepted manner.

Source: *OK Statute, Title 59, Sec. 509.(12), p. 377* (Accessed Feb. 2020).

A physician/patient relationship is established when a physician agrees by direct or indirect contact with a patient to diagnose or treat any condition, illness or disability presented by a patient to that physician, whether or not such a presenting complaint is considered a disease by the general medical community. The physician/patient relationship shall include a medically appropriate, timely-scheduled, face-to-face encounter with the patient, subject to any supervisory responsibilities established elsewhere in these rules. Telemedicine physicians who meet certain criteria are not subject to the face-to-face requirement to establish a physician-patient relationship.

Source: *OK Admin. Code Sec. 435:10-7-12.* (Accessed Feb. 2020).

A physician-patient relationship includes a medically appropriate, timely-scheduled, actual face-to-face encounter with the patient.

Source: *OK Admin. Code Sec. 435:10-1-4.* (Accessed Feb. 2020).

Physician treating patients in OK through telemedicine must be fully licensed in OK.

Source: *OK Admin Code Sec. 435:10-7-13(a).* (Accessed Feb. 2020).

Oklahoma is part of the Interstate Medical Licensing Compact.

Source: *Interstate Medical Licensure Compact, The IMLC,* (Accessed Feb. 2020).

The State Board of Osteopathic Examiners has the authority to issue a telemedicine license.

Source: *OK Statute, Title 59, Sec. 633,* (Accessed Feb. 2020).

Member of Nurse Licensure Compact.

Source: *Nurse Licensure Compact. Current NLC States and Status.* (Accessed Feb. 2020).

Member of Physical Therapy Compact.

Source: *Compact Map. PT Compact.* (Accessed Feb. 2020).

Member of Psychology Interjurisdictional Compact.

Source: *Association of State and Provincial Psychology Boards, PSYPACT, Legislative Updates.* (Accessed Feb. 2020).

OK provides, to each eligible healthcare entity, Special Universal Services for telemedicine providers. This includes the provision of bandwidth per standards as recommended by the Federal Communications Commission sufficient for providing telemedicine services including the telemedicine line, reasonable installation and network termination equipment owned and operated by the eligible provider. See statute for additional eligibility requirements.

Source: *OK Statutes, Title 17 Sec. 139.109.1. & OK Admin Code Title 165:59-7-6.* (Accessed Feb. 2020).

The OK Dept. of Health established a statewide telemedicine network: Office of Telehealth.

Source: *Oklahoma Statutes, Title 63 Sec. 1-2702. & Office of Telehealth* (Accessed Feb. 2020).

Professional Board Telehealth-Specific Regulations

- State Board of Medical Licensure and Supervision (*OK Admin. Code Sec. 435:10-7-13*) (Accessed Mar. 2020).
- State Board of Examiners for Speech-Language Pathology and Audiology (*OK Admin. Code Sec. 690:10-3-9*). (Accessed Mar. 2020).

