



MAG Fact Sheet

Georgia Temporary Telehealth Rules

Georgia Composite Medical Board Telehealth Expansion

Under Rule 360-3-0.10-8, GCMB has authorized the following...

1) DEA registered practitioners may issue prescriptions during the [COVID-19] public health emergency, as declared by the Governor of the State of Georgia, for controlled substances to patients for whom they have not conducted an in-person medical evaluation, provided all of the following conditions are met...

- The prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice and
- The practitioner conducted a medical evaluation on the patient using telemedicine communication and
- The telemedicine communication is conducted using an audio-visual, real time, two-way interactive communication system and
- The practitioner is acting within federal and state law and otherwise following the provisions of Board Rule 360-3-0.10-8

2) Rule 360-3-07, requiring telemedicine notification to the board for PA and APRN, shall not be required for the duration of the emergency.

3) This rule shall only be effective for the duration of the Public Health State of Emergency related to COVID-19

[Click for Rule 360-3-0.10-8](#)

[Georgia Telemedicine Informed Consent Form](#) (download)

HHS will not seek certain HIPAA noncompliance penalties

The U.S. Department of Health and Human Services (HHS) has announced that physicians may use Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, or Skype to provide telehealth services “without risk that [its Office for Civil Rights] might seek to impose a penalty for noncompliance with the HIPAA Rules related to the good faith provision of telehealth during the COVID-19 nationwide public health emergency.”

HHS is stressing that public-facing applications like Facebook Live, Twitch, TikTok, and similar video communication applications should not be used to provide telehealth services.

HHS explains that, “Covered health care providers that seek additional privacy protections for telehealth while using video communication products should provide such services through technology vendors that are HIPAA-compliant and will enter into HIPAA business associate agreements (BAAs) in connection with the provision of their video communication products.”

The following vendors have indicated that they offer HIPAA-compliant video communications products and will enter into HIPAA BAAs...

- Skype for Business
- Updox
- VSee
- Zoom for Healthcare
- Doxy.me
- Google G Suite Hangouts Meet

[HHS 'Notification of enforcement discretion for telehealth remote communications during the COVID-19 nationwide public health emergency'](#)

Medicare expands telehealth flexibility

For the duration of the COVID-19 public health emergency, Medicare will make payment for Medicare telehealth services furnished to patients in broader circumstances.

These visits are considered the same as in-person visits and are paid at the same rate as regular, in-person visits.

For the duration of the COVID-19 public health emergency, Medicare will make payment for professional services furnished to beneficiaries in all areas of the country in all settings.

While they must generally travel to or be located in certain types of originating sites such as a physician’s office, skilled nursing facility or hospital for the visit, Medicare will make payment for Medicare telehealth services furnished to beneficiaries in any health care facility and in their home effective for the duration of the COVID-19 public health emergency.

The Medicare coinsurance and deductible would generally apply to these services, but the HHS Office of Inspector General (OIG) is providing flexibility for health care providers to reduce or waive cost-sharing for telehealth visits paid by federal health care programs.

To the extent the 1135 waiver requires an established relationship, HHS will not conduct audits to ensure that such a prior relationship existed for claims submitted during this public health emergency.

[Medicare 'Telemedicine Health Care Provider Fact Sheet'](#)

[Medicare Telehealth FAQ](#)

[Medicare List of Telehealth Services](#)

Medicaid and PeachCare for Kids

The Georgia Department of Community Health (DCH) has “waived the telehealth services originating site limitations,” and it will allow telehealth services that are provided by 1) telephone communication and 2) webcam or other audio and video technology and 3) video cell phone communication.

[DCH announcement](#)

Commercial (Non-ERISA) Payers

Every health insurance plan has different policies under an emergency declaration, but pursuant to [O.C.G.A. § 33-24-56.4](#) health plans must pay the same rate for telehealth services as in-office visits.

This statute stipulates that, “An insurer shall reimburse the treating provider or the consulting provider for the diagnosis, consultation, or treatment of the insured delivered through telemedicine services on the same basis and at least at the rate that the insurer is responsible for coverage for the provision of the same service through in-person consultation or contact.”

Note that none of the emergency declarations have suspended Georgia’s ‘Prompt Pay Law,’ which requires that, “The insurer or administrator shall within 15 working days for electronic claims or 30 calendar days for paper claims after such receipt mail or send electronically to the facility or health care provider claiming payments under the plan payment for such benefits(O.C.G.A. § 33-24-59.14)”

[Georgia ‘Prompt Pay Law’](#)

Payer COVID-19 websites

[Aetna](#)

[Anthem](#)

[Cigna](#)

[Humana](#)

[UnitedHealthcare](#)

MAG members who have questions about telemedicine/telehealth should contact Ryan Larosa at rlarosa@mag.org.

Updated March 30, 2020.