

**COVID-19: Ohio Community Health Center Update**  
**Telehealth and Small Business Unemployment Updates**  
*March 20, 2020*

Below please find the most up-to-date resources and guidance; also please check our Covid-19 webpage (<https://www.ohiochc.org/page/Coronavirus>) as we make timely updates to keep all informed. Thank you for all that you do to keep Ohio communities healthy and safe.

**Ohio Department of Medicaid: Telehealth Emergency Rule**

The Ohio Department of Medicaid has enacted an emergency telehealth rule, expanding the use of telehealth. This rule is effective immediately and has a retroactive look back date of March 9, the day Governor DeWine declared an emergency in Ohio. It is understanding this emergency rule will apply to the five Medicaid managed care plans operating in Ohio as well.

Guidance from Feldesman, Tucker, Leifer, Fidell (FTLF), confirmed by the Bureau of Primary Health Care, states that situations where the both the patient and physician are at their homes, the patient does meet the definition of an “FQHC patient” even if the patient had never presented physically at the FQHC site. More information to come. **However, health centers are strongly advised to have gap insurance in place when providing services in a non-traditional setting such as a patients home. In addition, if you have not done so, you should reflect that setting in general sense on Form 5C.**

OACHC is working to arrange another all-OACHC member call – please stay tuned for details.

Scope of practice rules for providers other than physicians (see below update from the State Medical Board of Ohio) should be considered and you should go to the appropriate professional board site for advice. For instance the Ohio Counselor and Social Work Board can be found here: <https://cswmft.ohio.gov>.

We understand ODM is updating its telehealth billing guidance to mirror the emergency rule just filed. As soon as we receive it, we will disburse to membership.

**Medicare/FQHCs/Telemedicine**

At this time under the NEW CMS guidance, FQHCs are still not permitted to be distant site providers. This will take a legislative fix and NACHC and OACHC are communicating such to our congressional delegation. [Please read the 3.18.2020 NACHC Blog Post re Medicare/Telemedicine.](#)

Medicare code G0071 is the code to be used in a virtual communication with Medicare patients at FQHCs (this is in replacement of the code G2012 for other providers. In short, FQHCs can get paid for the use of this code but the payment is very low (\$13-\$14) and subject to a 20% co-pay and not subject to a wrap-around payment. Here is a link to information on this subject:

<https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/FQHCPPS/Downloads/VCS-FAQs.pdf>

**Commercial Insurance**

Many provider entities are working to create policies so that patients, regardless of coverage, can be seen via telehealth. More updates coming soon.

**Prescribing Rules During the Pandemic – Updates from the State Medical Board of Ohio**

The State Medical Board of Ohio held an emergency meeting on Wednesday and voted to immediately suspend enforcement of any regulations requiring in-person visits between providers and patients. [This exercise of enforcement discretion includes](#), but is not limited to, enforcement of regulations related to providers prescribing to patients not seen in-person by the physician. Note this is applicable to prescribing controlled substances and initiating MAT. Here is a link:

<https://med.ohio.gov/publications/recent-news/changes-to-telemedicine-emergency-licensure-and-continuing-education>

The effective date for this change is March 9, 2020 and it will remain in place until Gov. Mike DeWine lifts the state emergency.

#### **42 CFR Part 2 Guidance and Telehealth, Telephonic Care, Etc.**

In response to the Novel Coronavirus Disease (COVID-19) pandemic, SAMHSA is providing COVID-19 Public Health Emergency Response and 42 CFR Part 2 guidance to ensure that substance use disorder treatment services are uninterrupted during this public health emergency. [Read more by clicking here.](#)

#### **OSMB Licensure Renewal Suspension**

The Medical Board also voted to suspend continuing medical education required for license renewal. This order pertains to all renewals due by March 1, 2021. The Medical Board also said it was considering options for licensing out-of-state doctors to work in Ohio if needed during the COVID-19 pandemic.

#### **HIPAA Enforcement**

The U.S. Department of Health and Human Services Office of Civil Rights announced (<https://www.hhs.gov/about/news/2020/03/17/ocr-announces-notification-of-enforcement-discretion-for-telehealth-remote-communications-during-the-covid-19.html#.XnEYvek14GU.linkedin>) it won't be enforcing certain aspects of HIPAA related to telehealth during the COVID-19 crisis. Specifically it differentiates those application types that will be allowed to be used with patients and those that cannot.

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### **Small Business Supports**

#### **Small Business Disaster Loan Assistance**

At the request of the DeWine/Husted Administration, Ohio has applied and been approved for low-interest loans from the U.S. Small Business Administration up to \$2 million available to any small business that is adversely affected by the coronavirus outbreak. Click here for more information/application. <https://disasterloan.sba.gov/ela/Information/Index>

#### **Unemployment Benefits**

Unemployment benefits will be available for eligible individuals who are requested by a medical professional, local health authority, or employer to be isolated or quarantined as a consequence of COVID-19, even if they are not actually diagnosed with COVID-19. In addition, the waiting period for eligible Ohioans to receive unemployment benefits will be waived. [Additional information including the application is here.](#)

Please note, as the federal government considers a stimulus package, multiple national organizations including NACHC are advocating for direct support for physicians and their practices. As more details regarding these opportunities are available, OACHC will share.

**SharedWork Ohio**

During these difficult times, some Ohio cities like Columbus are promoting a program provided by the Ohio Department of Job and Family Services, called SharedWork Ohio (<http://jfs.ohio.gov/ouio/SharedWorkOhio/>). This resource may support the individuals and communities you serve or your team members.

From their website:

"SharedWork Ohio is a voluntary layoff aversion program. It allows workers to remain employed and employers to retain trained staff during times of reduced business activity. Under a SharedWork Ohio plan, the participating employer reduces affected employees' hours in a uniform manner. The participating employee works the reduced hours each week, and the Ohio Department of Job and Family Services (ODJFS) provides eligible individuals an unemployment insurance benefit proportionate to their reduced hours."