

Governor Hochul Ends COVID Emergency Declarations 09/14/2022

As of yesterday, September 13, 2020, the emergency declarations for COVID 19 are discontinued in New York state by order of Governor Kathy Hochul. While we are still waiting to see official word on how this affects clinical social workers here are our preliminary understandings.

Telehealth will continue to be covered but under pre-Covid Public Health Emergency (PHE) conditions. This would mean that it is up to individual insurers about covering telehealth. New York State does not have a mandatory payment law for telehealth at the moment but does have a payment parity law in place since January 2016, which means that insurers do not have to cover telehealth but if they do it must be at the same payment rate as face-to-face visits. Contact the individual carriers for verification of continued telehealth coverage. In most cases the coverage will be continued but it is best to be safe. Continue to use Place Of Service (POS) code 11 with modifier 95. The modifier for "Essential Service" is no longer necessary.

Medicaid, which is a state administered program, was covering treatment and assessment via telephone during the PHE may no longer allow that now that the PHE is over. We are waiting for updates about this and as soon as it is available, we will post that information.

Medicare, which is a federal program, is unaffected by the Governor's declaration. Similarly, the ability to use non-HIPAA compatible platforms for telehealth, e.g., FaceTime, using asynchronous communications methods and telephone are still allowed because that is under the Federal PHE which has not ended yet.

As we receive updates and more clarity, we will be sure to provide that information in a timely fashion.

Jay E. Korman, MSW, LCSW-R, BC-TMH, Practice Management Chair
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