

Telehealth Expansion is Here to Stay... And Continue to Expand

MARCH 12, 2021

Authors: [Lauri A. Cooper](#)

In 2020, Americans locked down and logged on to stay connected to their providers. Thanks to a recent report by FAIR Health, the significance of these connections is now more clear. The report found that private payor telehealth claims rose nearly 3000% in 2020. This dramatic increase followed the significant relaxation of telehealth requirements for billing promulgated in many states in response to the COVID-19 pandemic.

Mental health dominated the reported claims, accounting for just over 47% of all telehealth diagnoses, a diagnosis that did not even break into the top five in 2019. The report also found that the use of telehealth grew in both rural and urban areas, which is notable considering the pre-pandemic focus on telehealth in rural areas. While this report excluded Medicare and Medicaid claims, additional data related to governmental payor claims for telehealth is expected. For instance, the U.S. Department of Health and Human Services Office of Inspector General is set to release an examination of [expanded telehealth services](#) offered by state Medicaid programs later this year.

Telehealth has not signaled a slowdown and appears to have bipartisan support in its further expansion with the introduction of the [Protecting Access to Post-COVID-19 Telehealth Act of 2021](#). This Act would formalize and build upon the expansion of telehealth for Medicare patients authorized during the pandemic. The legislation specifically seeks to:

- Eliminate Medicare's geographic and originating site restrictions.
- Establish a patient's home as an eligible originating site.
- Authorize the Centers for Medicare and Medicaid Service ("CMS") to continue Public Health Emergency ("PHE") reimbursement expansion for telehealth for 90 days beyond the eventual end of the PHE.

As patients and providers continue to turn to telehealth delivery models, it is important to ensure compliance with evolving state and federal regulations regarding data privacy, scope of practice, and billing requirements. This is especially true, considering the number of mental health claims and need, which require additional protections due to the sensitive nature of such diagnoses.

Moreover, the demand and de-stigmatization of mental health care self-care in the United States is driving health investment from both governmental and private funds, including the Federal Communications Commission, the [U.S. Department of Agriculture](#), and [venture funds](#).

Please contact your Benesch attorney for clarification of any particular issue related to mental health, telehealth services, or investment to support this expanding area.

Lauri Cooper at lcooper@beneschlaw.com, 216-363-6174

Please also consult our [Benesch COVID-19 Resource Center](#) for sources and additional information regarding COVID-19.