Telehealth – Creating an Audit Plan for Telehealth
COVID-19 Task Force Panelists

**Ryan Boggs** is a Managing Director in DHG Advisory practice with over 10 years of experience in healthcare information technology. Ryan leads DHG’s IT healthcare compliance services. Ryan lead the development of the HITRUST practice for DHG. Ryan has extensive experience in the areas of compliance consulting, system and controls (SOC), HITRUST and internal audit reporting. He has experience managing both domestic and international engagements that include SOC audits, compliance assessments and technology control reviews.
Agenda

Telehealth Impacts on Audit Plans

Reimbursement audit approach

Compliance audit approach

Quality audit approach

Sample Audit Checklist

Q&A and Closing
Collaboration with Jones Day
Introduction of Jones Day

Jones Day's Collaborative Approach

Jones Day brings the insight and experience of more than 2,500 lawyers around the world, representing more than 40 offices and 20 practices, to every client interaction, allowing us to make sure that the best possible team is assembled for every advisory engagement, dispute or litigated matter, or transaction.

Cross-practice and multijurisdictional teams consistently work with clients on regulatory matters (clinical data requirements and use, marketing, telehealth standards and consents), data privacy (HIPAA, GDPR, state consents), intellectual property strategies (IT licensing and contracting, FTC and consumer consents, patent and trade secret protection), and transactions (M&A, joint venture agreements, and strategic investments).
**Introduction of Jones Day**

**AN EVOLVING REGULATORY FRAMEWORK**

Advising on key digital telehealth regulatory considerations:

- **Practice of Medicine (and Other Professions)**
- **Licensure and Credentialing**
- **Supervision Requirements**
- **Corporate Practice of Medicine**
- **Consent**
- **Data Privacy: Ownership**
- **Reimbursement and Insurance Coverage**
- **FDA Regulations and Approvals**
- **Fraud and Abuse Laws**
Speakers

**Ann T. Hollenbeck** is an experienced health care lawyer who advises health care industry clients on a variety of digital health matters: reimbursement, pharmacy, virtual and centralized clinical trials, as well as fraud and abuse matters. Ann has experience with structuring provider and pharmacy digital health offerings and platforms, and has advised these providers on compliance, audit, quality and peer review matters.

**Rachel D. Ludwig** is a health care attorney who focuses her practice on helping a wide range of health care industry clients in connection with transactional, regulatory, and compliance matters. Rachel has experience guiding clients through strategic transactions, advising clients on compliance audits and investigations, and counseling clients on health care regulatory matters, including telehealth licensure, scope of practice, reimbursement, and fraud and abuse.

**Jill Griffith** is a Senior Manager in DHG Healthcare’s National Reimbursement Practice. With over thirty-five years of experience Jill focuses primarily on conversions of physician practices to provider based departments and Rural Health Clinics. With her background in reimbursement and regulatory compliance she also performs compliance reviews as well as other compliance related matters requiring repayment and self-disclosure.
Telehealth Impacts on Audit Plans

Headlines
• “Most Medicare Telehealth claims fail documentation audit”
• “The increase in the use of telehealth in the healthcare sector have prompted the HHS watchdog to evaluate compliance with reimbursement requirements”
• “OIG to audit states’ Telehealth use for behavioral health claims”
• “CMS paid out $3.7 million for telemedicine that shouldn’t have been covered”
• OIG: “CMS should conduct periodic post-payment reviews…”

Key Considerations
• Reimbursement
• Compliance
• Quality
Reimbursement audit approach

Why
• Regulatory environment
• Speed of change
• Risk of inappropriate payment
• Waivers vs no-waiver

Key Areas
• Demographics
• Documentation
• Codes
• Approved service

Considerations
• Roll-back of regulations
• Telehealth definitions
• Changes in codes
• Changes to charge master
• Under/Over Payment
• Platform
Compliance audit approach

Professionals
- Licensure (where the patient is located)
- Practice standards (examinations/prescribing)
- Supervision requirements
- Patient records
- Insurance (coverage of telehealth/states)

Informed Consent
- Documentation
- Written/Verbal

Other Considerations
- Privacy and Security
- Fraud and Abuse
- Corporate Practice of Medicine
- Credentialing
Quality audit approach

• Quality is paramount
  • Patients (including families)
  • Payors (including employers)

• Consider how to measure quality in ways that demonstrate the provider’s attention to and concern for quality
  • Patient satisfaction surveys
  • Outcomes tracking with focus on certain disease management measures

• Peer Review Privilege (not designed for telehealth)
  • Beware of potential limitations in state law
  • Consider hospital partners to invoke privilege protection
  • Use the federal privilege protections of the PSQIA
Sample Audit Checklist

- Do services qualify as covered telehealth services?
- Are services documented and coded accurately?
- Was correct insurance billed (MSP)?
- Were all modifiers correct for the time under review?
- Were providers allowable providers under payor requirements?
- Are the providers licensed in states where patients are located?
- Are providers acting within the scope of practice in each state?
- Is there appropriate documentation of patient informed consent?
- What are patient satisfaction surveys reporting? (Adequate quantity?)
- What are quality measures reporting? (Meaningful data?)
<table>
<thead>
<tr>
<th>TOPIC</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>COVID 19: Rapid Deployment of Telehealth</td>
<td>Thursday April 30, 2020</td>
</tr>
<tr>
<td>Funds Supporting Telehealth Purchases: COVID-19</td>
<td>Tuesday, May 5th, 2020</td>
</tr>
<tr>
<td>Telehealth Program Overview</td>
<td></td>
</tr>
<tr>
<td>Physicians and Stark Considerations in Telehealth Structuring</td>
<td>Thursday, May 7th, 2020</td>
</tr>
<tr>
<td>Waivers, Regulatory Leniency and HIPAA</td>
<td>Tuesday, May 12th, 2020</td>
</tr>
<tr>
<td>Are Patients, Employers and Payors Ready for Telehealth?</td>
<td>Thursday, May 14th, 2020</td>
</tr>
<tr>
<td>Feasibility and Sustainability of a Telehealth Program &amp; Technology in Post COVID-19 World</td>
<td>Tuesday, May 19th, 2020</td>
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