



## COVID-19 Public Health Emergency (PHE) ends on May 11, 2023

CMS waivers that will expire on May 11, 2023 (end of the PHE):

1. Telehealth platforms must be HIPAA compliant.
2. The Drug Enforcement Agency (DEA) will require prescribers to see a patient face-to-face before administering controlled substances.
3. Virtual supervision of residents will not be allowed in metropolitan statistical areas\* (MSA), e.g., Lubbock, Amarillo, Midland, Odessa. This means TTUHSC will revert to pre-PHE standards for resident supervision, i.e., teaching physician (TP) billing E/M services must personally document:

The TP did the service or was physically present during critical or key resident-provided service and procedure portions. If the TP sees the patient separate from the resident, the TP must document that they saw and evaluated the patient, in

CMS waivers through December 31, 2024:

Federally Qualified Health Center (FQHC)/Rural Health Clinic (RHC) can continue to act as telehealth providers.

Medicare patients can receive telehealth services in their home.

Some services can be delivered using audio-only communication platforms.

An in-person visit within six months of an initial behavioral/mental telehealth service, and annually thereafter, is not required.

CMS waivers that will remain in place permanently after end of the PHE

[Federally Qualified Health Centers \(FQHCs\)](#) and [Rural Health Clinics \(RHCs\)](#) can serve as a distant site provider for behavioral/mental telehealth services.

Medicare patients can receive telehealth services for behavioral/mental health care in their



3. Controlled substance prescribing current understanding is that if the patient was seen in person prior to the PHE or after, that certain controlled substances are OK; whereas if patient was established during PHE, they must be seen in person first.

With the end of the COVID-19 public health emergency (PHE) on May 11, 2023, the Ryan Haight Act's restriction on telehealth prescribing of controlled substances will go back into effect