



# North Dakota Insurance Department

Jon Godfread, Commissioner

## BULLETIN 2020-3

TO: Insurance Carriers offering Health Insurance Policies  
FROM: Jon Godfread, Commissioner *Jon*  
DATE: March 24, 2020  
SUBJECT: Expansion of Telehealth Services

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Effective upon issuance of this bulletin, Bulletin 2020-2 is hereby rescinded and replaced by Bulletin 2020-3.

As part of the North Dakota Insurance Department's (the department) initiative to help protect consumers during this COVID 19 pandemic, we are issuing this bulletin in response to Governor Doug Burgum's Executive Order 2020-05.1 issued on March 20, 2020, that ordered insurance companies to expand telehealth services to consumers.

Pursuant to this bulletin insurance carriers issuing health benefit plans that offer telehealth services must apply standards to apply this expansion of telehealth services. This expansion is consistent with recent guidance issued by the Centers for Medicare & Medicaid Services (CMS) on March 17, 2020 to expand telehealth services:

<https://www.cms.gov/newsroom/fact-sheets/medicare-telemedicine-health-care-provider-fact-sheet>

Pursuant to this bulletin and the guidance of CMS, health insurers must relax the guidelines under HIPPA consistent with CMS guidance (i.e. serving patients in good faith through everyday communications technologies to include, but not limited to telephone, FaceTime or Skype). Further, insurance carriers must start or continue to provide covered services via telehealth visits. These services include, but are not limited to the following:

- Office visits for patients
- Physical therapy (PT) plan evaluation
- Occupational therapy (OT) plan evaluation
- Speech therapy (ST) plan evaluation
- Behavioral health and substance use disorder treatment
- Diabetes education
- Nutrition counseling

It is the department's understanding that the provisions of the Governor's Executive Order 2020-05.1 and the provisions of this Bulletin do not apply to the following services:

- Deferable elective care
- Chiropractic care
- Dental care
- Acupuncture

The advancement of telehealth benefits is to encourage social distancing and continue care for those North Dakotans that need care, without significant delay.

In addition to traditional telehealth services carriers must expand telehealth under the CMS guidance and now offer coverage for e-visits and virtual check-ins. Insurance carriers shall establish reasonable requirements for the coverage of these virtual check-ins and e-visits in accordance with the guidance issued by CMS on March 17, 2020. Executive Order 2020-05.1 suspended the “audio-only” provision of NDCC § 26.1-36-09.15 (1)(g)(3) and requires that telehealth services be provided as defined by NDCC § 26.1-36-09.15 (1)(g)(1) and (2) to include audio-only telehealth services. However, no insurance carriers shall impose any specific requirements on the technologies used to deliver telemedicine services (including any limitations on audio-only or live video technologies).

In order to ensure consistency in the market for insurance carriers and consumers the following codes are to be used in relation to these telehealth services.

Type of Service	What is the Service	HCPCS/CPT Code	Patient Relationship with Practitioner
<b>Telehealth visit</b>	Visit with a provider that uses a telecommunication system connecting the patient with the provider. <b>These visits are scheduled and initiated by the provider.</b>	During the COVID-19 emergency declaration, allow the originating site to be the patient’s home <ul style="list-style-type: none"> <li>• 99201-99215*</li> <li>• G0425-G0427</li> <li>• G0406-G0408</li> </ul>	New or established patients
<b>Virtual Check-In</b>	A brief communication via telephone or other telecommunication device to decide whether an office visit or other service is needed. A remote evaluation of recorded video and/or images submitted by an established patient.	Recognized services during COVID-19 emergency declaration <ul style="list-style-type: none"> <li>• 99441-99443</li> <li>• G2012</li> <li>• G2010</li> </ul>	For established patients
<b>Digital Telehealth (E-visits)</b>	Digital communication <b>initiated by the member</b> to a provider through the provider’s online patient portal.	<ul style="list-style-type: none"> <li>• 99421-99423</li> <li>• 98970-98972</li> <li>• G2061-G2063</li> </ul> *Providers must append modifier 95 to support a face-to-face communication with the patient	For established patients

*\*For services outside of Evaluation and Management visits and digital visits, providers should use the appropriate CPT or HCPCS code and applicable modifier for the services rendered, if the services meet all criteria of the services rendered. Provider should submit Place of Service Code 02 (Telehealth) if the provider is rendering services through a telehealth communication system.*

Bulletin 2020-3 will expire and be rescinded upon the rescission of Governor Burgum’s Executive order issued on March 20, 2020, unless otherwise renewed by the department.

Health insurance carriers or consumers with questions related to this Bulletin are advised to contact the North Dakota Insurance Department by telephone at 701-328-2440 or email at insurance@nd.gov.