



## FEDERAL FLEXIBILITIES DURING COVID-19\*

### PA Scope of Practice

Regulatory Change	Duration	Waiver or IFC
PAs and other qualified practitioners may "certify, establish and periodically review the plan of care, as well as supervise the provision of items and services" for beneficiaries under the Medicare home health benefit	Permanent	IFC 5531
PAs and other qualified practitioners may order durable medical equipment and order home health services, establish the plan of care, and perform the required face-to-face visit under Medicaid	Permanent	IFC 5531
PAs and other qualified practitioners may provide required supervision of personnel performing diagnostic tests	Permanent	2021 PFS
Medicare patients do not need to be "under the care of a physician" and may be under the care of a PA or another qualified practitioner	Duration of PHE	Waiver
A physician need not be physically present at a Critical Access Hospital and can, instead, provide supervision and direction remotely to PAs and other qualified practitioners	Duration of PHE	Waiver
Required "physician visits" in Long Term Care Facilities may be performed by PAs and other qualified practitioners	Duration of PHE	Waiver
Physicians may delegate any tasks (such as physician-only requirements) in a Skilled Nursing Facility to PAs and other qualified practitioners	Duration of PHE	Waiver
PAs and other qualified practitioners may provide required supervision of personnel performing diagnostic tests	Duration of PHE	IFC 5531
Clarified ability of PAs to write progress notes in psychiatric hospitals and changed related Conditions of Participation regarding qualified clinicians from "licensed independent practitioner" to "licensed practitioner"	Permanent	IFC 1744

<b>General Flexibilities</b>		
<b>Regulatory Change</b>	<b>Duration</b>	<b>Waiver or IFC</b>
Physicians, PAs, and other qualified practitioners do not need to be licensed in the state they are performing services as a condition of Medicare payment	Duration of PHE	Waiver
Physicians, PAs, and other qualified practitioners credentialed at a dialysis facility may provide care at designated isolation locations without the need for separate credentialing or medical staff appointment	Duration of PHE	Waiver
Opted-out practitioners may terminate their opt-out status early and enroll as a Medicare providers	Duration of PHE	Waiver
"Direct supervision" can be provided using real-time interactive audio and video technology	Duration of PHE	IFC 1744
A billing practitioner, whether or not they are acting in a teaching role, may review and verify ("sign and date") rather than redocument any information made in the medical record by any practitioner, student (regardless of clinical discipline), or other member of the medical team	Permanent	2021 PFS
Clarification that pharmacists may provide services "incident to" PAs and other qualified practitioners	Permanent	IFC 5531 & 2021 PFS

<b>Telehealth &amp; Telemedicine</b>		
<b>Regulatory Change</b>	<b>Duration</b>	<b>Waiver or IFC</b>
Telehealth services may be furnished to patients wherever they are located, including the patient's home	Duration of PHE	IFC 1744
An interactive telecommunication system means any communication equipment that includes two-way, real-time audio and video communication, including a patient's personal computer or smartphone	Duration of PHE	IFC 1744
Penalties waived for HIPAA violations against health care providers that serve patients in good faith through everyday communication technologies, such as FaceTime or Skype	Duration of PHE	IFC 1744
Practitioners may render telehealth services from their homes without reporting the home address on their Medicare enrollment and may continue to bill with their enrolled location	Duration of PHE	Waiver

Remote evaluations, virtual check-ins, and e-visits may be provided to new (not just established) patients	Duration of PHE	Waiver
Audio only communication is allowed for telephone E/M services, behavioral health counseling, and educational services	Duration of PHE	Waiver
Payment for telephone only E/M services, CPT codes 98966-98968 and 99441-99443	Duration of PHE	IFC 1744
Crosswalk payment and RVUs for CPT codes 99441-99443 with office/outpatient E/M services CPT codes 99212-99214	Duration of PHE	IFC 5531
Expanded services that may be provided via telehealth, such as Nursing Facility and Skilled Nursing Facility visits, emergency department visits, critical care services, etc.	Duration of PHE	Waiver
Providers may reduce or waive cost-sharing for telehealth visits paid by federal health care programs	Duration of PHE	Waiver

**\*Must be consistent with State laws and regulations, scope of practice, hospital/facility bylaws and policies, and granted privileges, as applicable.**

**References**

Waivers: <https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-waivers>

IFC 1744: <https://www.cms.gov/files/document/covid-final-ifc.pdf>

IFC 5531: <https://www.cms.gov/files/document/covid-medicare-and-medicaid-ifc2.pdf>

2021 PFS: <https://public-inspection.federalregister.gov/2020-26815.pdf>

Updated 6/22/2020