



Has COVID-19 forced the telehealth genie out of the bottle?

February 23, 2021

The public health emergency caused by the COVID-19 pandemic has caused many changes to health care laws and regulations. It is anticipated that once the public health emergency ends, many of these laws and regulations will revert to pre-COVID-19 standards. However, is that assumption accurate when it comes to changes to telehealth rules?

As technology has advanced, the potential ability to provide telehealth services quickly increased; but historically, the applicable laws and regulations governing telehealth have expanded the permissible uses of telehealth technology at a much more deliberate pace. The public health emergency changed this dynamic.

Since the beginning of the public health emergency the changes expanding the permissible uses of telehealth technology include:

- [The State Medical Board of Ohio](#) lifted the in-person visit requirement for a number of services including prescribing controlled substances, prescribing for subacute and chronic pain, prescribing for patients that have not been seen by the provider, pain management, medical marijuana recommendations, and office-based treatment of opioid addiction.
- [The Centers for Medicare and Medicaid Services](#) expanded the number of covered services that may be provided via telehealth in appropriate circumstances and is considering whether a further expansion might be in order.
- [The Ohio Department of Medicaid](#) has issued guidance expanding the services that can be provided via telehealth, expanded the list of providers that may utilize telehealth, and reduced authorization requirements to make the use of telehealth more efficient.

As a result of these changes, the number of telehealth visits that have occurred during the public health emergency greatly expanded.

The expansion of telehealth services has been largely well received by both providers and patients. Although these changes were almost certainly intended to be temporary in nature, it is unclear whether these changes will vanish when the public health emergency ends. In short, the expansion of telehealth services has gone so well that the demand for expanded services may be sufficient to spur legislators and regulators into action.

Accordingly, it is incumbent on all providers to monitor these developments to ensure compliance with the ever evolving regulatory landscape. Once there is more clarity concerning whether these changes will become permanent, it will also be necessary to evaluate internal policies, practices and business plans to make sure those are consistent with a potentially new regulatory framework. Finally, although the expansion of telehealth services has been largely successful thus far, challenges could nonetheless be around the corner. It will be vitally important to ensure appropriate security measures are in place, stay apprised as to technology changes and keep up with patient expectations.

Telehealth – a potentially new and exciting world to watch in 2021!

