



# CMS Waivers and Services Impacted by End of the Public Health Emergency

## Provider Outreach & Education, National Government Services

### Included Topics

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[Physician and NPP](#)

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## General

### End Date - 5/11/2023

Subject	Resources
Free Over-the-Counter COVID-19 test	<a href="#">COVID-19 Over-the-Counter Tests</a> <ul style="list-style-type: none"> <li>HCPCS code K1034</li> </ul>
Deleted codes and new codes for COVID-19 vaccines and monoclonal antibodies	<a href="#">COVID-19 Vaccines and Monoclonal Antibodies</a> <ul style="list-style-type: none"> <li>Payment allowances and effective dates for COVID-19 vaccines and administration</li> </ul>
Waiver on timeframe in which an appeal must be filed to a MAC or QIC	<a href="#">COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers</a>
Home as an approved originating telehealth site for ESRD	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>

### End Date - 12/31/2023

Subject	Resources
Payment of approximately \$40 per dose for outpatient setting COVID-19 vaccine administration- will be aligned with other preventive vaccine administration rates going forward	<a href="#">Medicare COVID-19 Vaccine Shot Payment</a> <ul style="list-style-type: none"> <li>Rates through 12/31/2023</li> </ul>
Additional payment of approximately \$36 for home vaccine administration	<a href="#">CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency</a>

### Not Affected by the End of PHE

Subject	Resources
COVID-19 vaccinations and treatments (e.g., Paxlovid, Lagevrio)	<a href="#">Fact Sheet: End of the COVID-19 Public Health Emergency</a>
COVID-19 testing when ordered by a physician, no cost-sharing	<a href="#">CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency</a>

## Physician and NPP

End Date - 5/11/2023

Subject	Resources
Modifier CS added to bypass cost sharing for COVID-19 evaluations	<p><a href="#">COVID-19 Frequently Asked Questions (FAQs) on Medicare Fee-for-Service (FFS) Billing</a></p> <p>MLN Matters® <a href="#">SE20011 Revised: Medicare Fee-for-Service Response to the Public Health Emergency on COVID-19</a></p>
Disaster related modifiers CR professional billing and DR for institutional billing	<p>MLN Matters® <a href="#">SE20011 Revised: Medicare Fee-for-Service Response to the Public Health Emergency on COVID-19</a></p>
Ambulance treat in place	<p><a href="#">Ambulances: CMS Flexibilities to Fight COVID-19</a></p>
Pharmacist orders for laboratory tests	<p><a href="#">Laboratories: CMS Flexibilities to Fight COVID-19</a></p>
High throughput COVID-19 testing HCPCS codes U0003-U0005	<p><a href="#">Laboratories: CMS Flexibilities to Fight COVID-19</a></p>
Laboratory specimen collection from patient’s home. HCPCS codes G2023-G2024	<p><a href="#">COVID-19 Frequently Asked Questions (FAQs) on Medicare Fee-for-Service (FFS) Billing</a></p>
Reciprocal or Locum Tenens 60-day waiver of same-provider substitute billing arrangements	<p><a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a></p>
Authentication of verbal orders resumes 48-hour limit	<p><a href="#">Guidance for the Expiration of the COVID-19 Public Health Emergency (PHE)</a></p>
Medical record completion resumes expectation of “promptly completed”	<p><a href="#">Guidance for the Expiration of the COVID-19 Public Health Emergency (PHE)</a></p>
CPT 99211 waiver on incident to rule compliance	<p><a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a></p> <ul style="list-style-type: none"> <li>Billing level 1 E/M 99211</li> </ul>
Controlled substance dispensing without face-to-face interaction, Dispense controlled substances via telemedicine.	<p><a href="#">Fact Sheet: COVID-19 Public Health Emergency Transition Roadmap</a></p>

Subject	Resources
CRNA physician supervision waiver (states may apply to CMS for waiver extension)	<a href="#">CMS Waivers, Flexibilities, and the Transition Forward from the COVID-19 Public Health Emergency</a>
Waiver on expectation for medical record completion at discharge	<a href="#">CMS Waivers, Flexibilities, and the Transition Forward from the COVID-19 Public Health Emergency</a>
Remote physiological monitoring for new patients CPT codes 99453-99454	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Waiver of NCD and LCD requirements for physician specialty to perform and supervise specific services	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Waiver on LCD clinical indication requirements for therapeutic glucose monitors	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>LCD indication waiver for glucose monitors</li> </ul>
Waiver on NCD and LCD for respiratory related devices, home infusion pumps and home anticoagulation therapy	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Provider enrollment hotline for isolation facilities	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
All Stark Law requirement waivers	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Waiver on procedural volume requirements for facilities and providers who perform percutaneous left atrial appendage closure, transcatheter aortic valve replacement (TAVR), transcatheter mitral valve replacement (TMVR) and ventricular assist device (VAD)	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>

**End Date - 12/31/2023**

Subject	Resources
<p>CMS is exercising enforcement discretion through 12/31/2023 and considering policy for frequency limitations further through our rulemaking process</p> <ul style="list-style-type: none"> <li>CPT codes 99231- 99233 may only be furnished via Medicare telehealth once every 3 days</li> <li>CPT codes 99307- 99309 may only be furnished via Medicare telehealth once every 14 days</li> </ul>	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>

Subject	Resources
Opioid treatment program audio/only assessments	<a href="#">Opioid Treatment Programs (OTP)</a> <ul style="list-style-type: none"> <li>Extends periodic assessments via audio-only when video isn't available</li> </ul>
Virtual direct physician supervision – returns to “must be immediately available” standard	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>Medicare physician supervision requirements</li> </ul>
Waiver on obtaining prior beneficiary consent for services furnished by auxiliary personnel (e.g., CCM)	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>Obtaining beneficiary consent</li> </ul>

**End Date - 12/31/2024**

Subject	Resources
<p>In the CY 2023 Final Rule, CMS finalized alignment of availability of services on the telehealth list with the extension timeframe enacted by the Consolidation Appropriations Act (CAA) 2022</p> <p>The CAA, 2023 further extended those flexibilities through CY 2024</p> <p>CMS updated and simplified the Medicare list of approved telehealth codes to clarify that these services will be available through the end of CY 2023, we anticipate addressing updates to the Medicare Telehealth Services List for CY 2024 and beyond through our established processes as part of the CY 2024 Physician Fee Schedule proposed and final rules</p> <p>Telephone services (audio-only technology) 99441-99443 for <b>established patients not related to a previous E/M within the prior 7-days or procedure within the next 24 hours</b></p>	<p><a href="#">List of Telehealth Services</a></p> <p><a href="#">MLN Fact Sheet® Telehealth Services</a></p>
Audio-only equipment for telehealth services furnished to patients in home under for purposes of diagnosis, evaluation, or treatment of a mental health disorder and substance use disorder	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>Consolidation Appropriations Act 2023 provides for an extension for this flexibility</li> </ul>
Part B providers of remote telehealth physical therapy, occupational therapy, speech-language pathology, diabetes self-management training and medical nutrition therapy	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>

## Teaching Physician

End Date - 5/11/2023

Subject	Resources
Residents time may only be counted for direct graduate medical education (DGME) or indirect medical education (IME) payments no longer allowed in alternative locations (e.g., residents' homes or other hospitals)	<a href="#">Teaching Hospitals, Teaching Physicians and Medical Residents: CMS Flexibilities to Fight COVID-19</a>
Primary Care Exception: levels 4-5 only billable when teaching physician is physically present for key portions of services	MLN® Booklet: <a href="#">Teaching Physicians, Interns, &amp; Residents Guidelines</a>  <a href="#">Teaching Hospitals, Teaching Physicians and Medical Residents: CMS Flexibilities to Fight COVID-19</a>
Hospital services with NPPs (PAs and NPPs) serving as attending physicians	<a href="#">Hospitals and CAHs (including Swing Beds, DPUs), ASCs and CMHCs: CMS Flexibilities to Fight COVID-19</a>

End Date – 12/31/2023

Subject	Resources
Teaching physicians virtual presence and bill for services involving residents in residency training sites both inside and <b>outside of a MSA</b> after the PHE ends	<a href="#">Frequently Asked Questions: CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency</a>  <a href="#">CMS MLN Connects® Newsletter for Thursday, May 18, 2023</a>

## Hospital, RHC, FQHC

End Date - 5/11/2023

Subject	Resources
Medical staff privilege expiration waiver ends	<a href="#">COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers</a> <ul style="list-style-type: none"> <li>Expiration of billing privilege</li> </ul>
CRNA physician supervision waiver (states may apply to CMS for waiver extension)	<a href="#">CMS Waivers, Flexibilities, and the Transition Forward from the COVID-19 Public Health Emergency</a>
CAH waivers for length of stay and number of beds	<a href="#">Hospitals and CAHs (including Swing Beds, DPUs), ASCs and CMHCs: CMS Flexibilities to Fight COVID-19</a>
Beneficiary’s home is no longer considered provider-based department of hospital	<a href="#">Frequently Asked Questions: CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency</a> <ul style="list-style-type: none"> <li>HCPCS code Q3014</li> </ul>
Hospitals without walls furnished by hospital clinical staff. Qualified hospital stay requirement prior to a Medicare-covered SNF stay no longer in effect.	<a href="#">Frequently Asked Questions: CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency</a> <a href="#">Ambulances: CMS Flexibilities to Fight COVID-19</a>
Waiver of the three-day hospital stay for SNF admissions	<a href="#">Frequently Asked Questions: CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency</a> <ul style="list-style-type: none"> <li>Qualifying hospital stay requirement prior to a Medicare-covered SNF stay, no longer in effect</li> </ul>
HCPCS C9803 specimen collection codes	<a href="#">COVID-19 Frequently Asked Questions (FAQs) on Medicare Fee-for-Service (FFS) Billing</a>
IME payments based on beds added through PHE	<a href="#">Teaching Hospitals, Teaching Physicians and Medical Residents: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>IME payments held harmless for temporary increase in beds</li> </ul>
Hospital services with NPPs (PAs and NPPs) serving as attending physicians	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>

**End Date – 12/31/2023**

Subject	Resources
Acute hospital care at home	<a href="#">CMS Waivers, Flexibilities, and the Transition Forward from the COVID-19 Public Health Emergency</a>  <a href="#">Hospitals and CAHs (including Swing Beds, DPUs), ASCs and CMHCs: CMS Flexibilities to Fight COVID-19</a>
RHC and FQHC in person mental health visit requirements	<a href="#">MLN Matters® <i>SE22001 Revised: Mental Health Visits via Telehealth for Rural Health Clinics &amp; Federally Qualified Health Centers</i></a>
Hospital providers of remote telehealth physical therapy, occupational therapy, speech-language pathology, diabetes self-management training and medical nutrition therapy	<a href="#">Hospitals and CAHs (including Swing Beds, DPUs), ASCs and CMHCs: CMS Flexibilities to Fight COVID-19</a>

**Not Affected by the End of PHE**

Subject	Resources
Hospital staff may perform mental behavioral health services via telecommunications technology	<a href="#">Frequently Asked Questions: CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency</a> <ul style="list-style-type: none"> <li>• HCPCS codes C7900- C7902</li> </ul> <a href="#">CR13031: January 2023 Update of the Hospital Outpatient Prospective Payment System (OPPS)</a>



## Telehealth

### End Date - 5/11/2023

Subject	Resources
Remote telehealth data collection minimum 16-day requirement waiver ended; data requirement resumed	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>Remote physiologic monitoring</li> </ul>
ESRD-home dialysis –monthly face-to-face times initial three months and every three months for subsequent 23 months required- telehealth option ended 5/11/2023	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>Face-to-face without the use of telehealth</li> </ul>

### End Date - 12/31/2023

Subject	Resources
Modifier 95. A synchronous telemedicine service rendered via real-time interactive audio and video telecommunication system	<a href="#">MLN Matters® <i>MM12982: Medicare Physician Fee Schedule Final Rule Summary: CY 2023</i></a> <a href="#">List of Telehealth Services</a>
Telehealth frequency limit waiver of days for 99231-99233 and SNF 99307-99319	<a href="#">Frequently Asked Questions: CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency</a> <ul style="list-style-type: none"> <li>Subsequent nursing facility or subsequent inpatient visit when furnished via Medicare telehealth</li> </ul>
Reporting home address. Home as an approved originating telehealth site. See page 10.	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>

### End Date - 12/31/2024

Subject	Resources
Telephone services (audio-only technology) 99441-99443 for <b>established patients not related to a previous E/M within the prior 7-days or procedure within the next 24 hours</b>	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Expanded provider types approved for telehealth services	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>Requirements that expand therapy professionals</li> </ul>
Audio-only telephone E/M services, and behavioral health counseling and educational services	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>Audio only equipment</li> </ul>

Face-to-face requirement for telehealth mental health services. An in-person visit within six months of an initial behavioral/mental telehealth service, and annually thereafter, is not required.

[Temporary Medicare changes through December 31, 2024](#)

**Not Affected by the End of PHE**

Subject	Resources
Independent practicing Part B e-visits (G2010, G2012, G2251, G2252) for established patients only	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>Remote evaluations, check-ins and e-visits</li> </ul>
Part B visits allowed for LCSWs, clinical psychologists, PTs, OTs, SLPs	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a> <ul style="list-style-type: none"> <li>Remove evaluations, check-ins and e-visits</li> </ul>
State licensure requirement for telehealth services defer to state law	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Domiciliary, rest home, or custodial care service, for new and established patients 99334 -99335	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Home visits, for new and established patient 99347-99348	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Care planning for patients with cognitive impairment 99483	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Group and individual psychotherapy 90853	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>
Supervised diagnostic tests nurse practitioners, clinical nurse specialists, certified nurse-midwives, physician assistants, and certified registered nurse anesthetists	<a href="#">Physicians and Other Clinicians: CMS Flexibilities to Fight COVID-19</a>

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