



Community Behavioral Health: Provider Notice Compliance Reminders May 7, 2020

As a result of Pennsylvania's Emergency Declaration related to the COVID-19 pandemic, significant changes to certain state and federal rules and regulations have been enacted that allow for increased utilization of telemedicine to ensure continuity of care for members. These changes do not, however, result in other rules, regulations, or laws being changed.

Notable changes include, but are not limited to:

- Commonwealth and Federal restrictions related to provision of telemedicine services have been eased to allow for the provision of necessary services to members
- The Office of Civil Rights (OCR) has announced enforcement discretion related to HIPAA for several services including [telehealth](#), [community-based testing sites](#), and [some business associates](#).
- Suspension of typical audit activity and recoupments by CBH Compliance

The following requirements and restrictions remain active during the pandemic. This is not an exhaustive list; however, these requirements represent areas where providers must remain vigilant during this period of expanded telemedicine utilization:

- Anti-Kickback Statutes (AKS)
- [Stark Law](#)
- [Prohibitions of Patient Brokering](#)
- Use of excluded individuals

As a reminder, as agencies consider innovative ways in which to reach out and engage members, the Office of the Inspector General (OIG) has guidance on incentive programs. Please review information on [updates to available "safe harbors" here](#). Also see the text of the AKS (42 U.S. Code § 1320a-7b). Providers should then discuss any existing or planned methods of Member engagement with their legal counsel or compliance team to ensure compliance with relevant rules, regulations, and laws.

If you have a question about any of your agency's practices or potential changes to practices, please contact CBH Compliance at CBH.ComplianceContact@phila.gov.