

Virtual Care Update

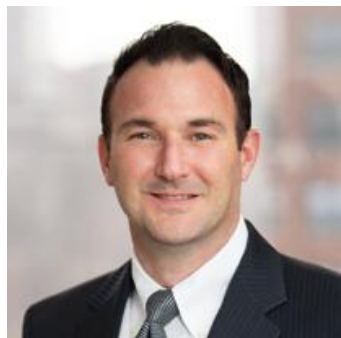


MEDICAL STAFF SEMINAR 2025

Empowering Medical Staff. Enabling Excellence.

DECEMBER 4-5, 2025

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Caution

These slides were prepared on December 1, 2025. They are intended to provide talking points. The laws and regulations applicable to Virtual Care are frequently changing. What was the law yesterday, may not be the law today. Please use caution in reference to these slides, as the law may have changed.



Essential Concepts



Professional Practice



Reimbursement

Medicare “Telehealth” Reimbursement

- Pre-Pandemic per the Social Security Act
 - Geographic Restrictions (population and practice location restrictions)
 - Practitioner Restrictions
 - Service Restrictions
 - Technology Restrictions
- Pandemic
 - Waivers and exceptions
- Government Shutdown
 - Waivers and exceptions **expired on October 1, 2025**
 - Behavioral Health requirements
- Continuing Resolution
 - Extended waivers and exceptions **through January 30, 2026**
 - **Effectively Retroactive (changed date in prior extension from 9/30/25 to 1/20/26)**

Medicare “Telehealth” Reimbursement

TELEHEALTH WAIVER	NEW EXPIRATION DATE
Waiving the location requirements (geographic and type of site)	January 30, 2026
Expanded list of eligible telehealth providers	January 30, 2026
Allowing federally qualified health centers (FQHCs) and rural health clinics (RHCs) to be eligible telehealth providers	January 30, 2026
Delaying the prior in-person visit for mental health when certain permanent telehealth policy requirements are not met	January 30, 2026
Delaying the prior in-person visit for mental health provided via telecommunications technology for FQHCs and RHCs	January 30, 2026
Allowing of audio-only for telehealth services	January 30, 2026
Extending the use of telehealth to conduct a face-to-face encounter for recertification of eligibility for hospice care	January 30, 2026
Extending the Acute Hospital Care at Home Initiative	January 30, 2026

Medicare “Telehealth” Reimbursement

- What is next?
 - Depends on above and new continuing resolution
 - Efficacy theoretically under evaluation



DEA – Controlled Substance Prescribing

- **2008** – Ryan Haight Online Pharmacy Consumer Protection Act
 - “Special Registration” contemplated by original rule
- **2018** – President Trump signed into law the Special Registration for Telemedicine Act, which required the DEA to promulgate final regulations to implement use of the Special Registration
- **March 2020** – In response to the PHE, the DEA invoked its emergency authority per 21 U.S.C. § 802(54)(D) to waive certain requirements of the Ryan Haight Act
 - Permits prescription of controlled substances through telemedicine if:
 - Legitimate medical purpose by appropriate licensed practitioner;
 - Synchronous (audio and visual) technology is used; and
 - Practitioner acts in accordance with applicable federal **and state law**.

DEA – Controlled Substance Prescribing

- **May 2023** – DEA issues two proposed rules:
 - General Telemedicine NPRM and Buprenorphine NPRM
 - Additionally extends (through First Temporary Rule) Covid Waiver through 2023
- **October 2023**
 - DEA, in response to more than 38,000 comments, indicates more time will be needed to evaluate the NPRMs
 - Per Second Temporary Rule extends Covid Waiver through 2024
- **November 2024**
 - Per Third Temporary Rule, extends Covid Waiver through 2025
- **January 2025**
 - Proposed Rule - Special Registrations for Telemedicine
 - Special Registration; Advanced Special Registration (Scheduled 2); and Platform Registration
 - Additional proposed pathways/registrations (quite different than Covid Waiver)
 - Significant additional administrative/procedural requirements and limitations
- **November 10, 2025**
 - **Fourth Temporary Extension of Covid Waiver**
 - **Still waiting on length of extension and status of Final Rule**

DEA – Controlled Substance Prescribing

- **November 10, 2025**
 - **Fourth Temporary Extension of Covid Waiver beyond December 31, 2025**
 - Still waiting on length of extension and status of Final Rule
- Potential publication of Final Special Registration Rule
 - Licensure requirements
 - State specific legal requirements
- Remain Mindful of State-Specific Requirements
- Do not confuse DEA extension with Medicare telehealth requirement for mental health services

Questions?

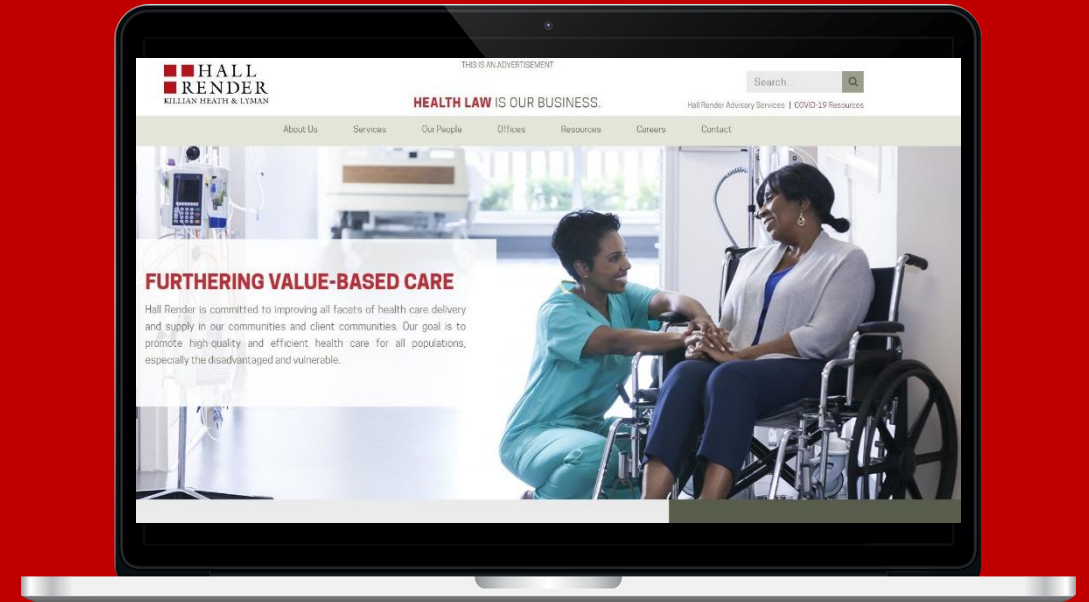


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