



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES**

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To: 1915(c) Home and Community Based Services Waiver Providers

From: Pam Smith
Director, Division of Community Alternatives

Date: March 13, 2020

RE: COVID-19: Telehealth

As the people of the Commonwealth work together to fight the spread of COVID-19, the Department for Medicaid Services (DMS) understands providers are developing protocols to maintain services while keeping employees and 1915(c) Home and Community Based Services (HCBS) waiver participants safe. We have received several requests to increase the use of telehealth to deliver services and would like to clarify how this can be accomplished.

Effective immediately, case managers may conduct visits with waiver participants online or by phone. Case managers need to ensure meetings are conducted in a Health Information Portability and Accountability Act (HIPAA)-compliant manner.

Current statutes and regulations allow Medicaid providers to use telehealth as a delivery method for most covered services. Telehealth is defined in Kentucky Revised Statute 205.510 (15), which mandates the use of a HIPAA-compliant telehealth platform.

1915(c) HCBS waiver providers who possess this technology and wish to use it should keep the following in mind:

- Services should be provided within the scope of the provider's licensure and be compliant with Kentucky Administrative Regulation 907 KAR 3:170.
- Only services that can reasonably be provided online should be delivered via telehealth. Services requiring hands-on care, such as Homemaking or Personal Care, should be delivered in-person. Please see the guidance DMS issued to 1915(c) HCBS waiver providers on March 11 regarding the safe delivery of services during the COVID-19 outbreak. The letter is available at <https://chfs.ky.gov/agencies/dms/ProviderLetters/1915cproviderletterCOVID19.pdf>.

DMS continues to monitor this ever-evolving situation and its effect on access to services. We will provide additional guidance as needed.

The latest information on the COVID-19 is available at kycovid19.ky.gov. COVID-19-related guidance issued by DMS is available at <https://chfs.ky.gov/agencies/dms/Pages/default.aspx>.

If you have questions, please contact the 1915(c) Waiver Help Desk at (844)784-5614 or 1915cwaiverhelpdesk@ky.gov.

Sincerely,



Pam Smith
Director, Division of Community Alternatives