

**STATE OF NEW MEXICO  
WORKERS' COMPENSATION ADMINISTRATION**

**IN THE MATTER OF TELEMEDICINE  
UTILIZATION AND REIMBURSEMENT  
PURSUANT TO THE 2020 HEALTHCARE PROVIDER  
FEE SCHEDULE AND BILLING INSTRUCTIONS**

**TELEMEDICINE UTILIZATION AND REIMBURSEMENT ORDER**

**THIS ORDER** is issued pursuant to NMSA 1978, Section 52-5-4(A) (1990), and 11.4.7.9 (A) (l) NMAC. It is intended to address and provide guidance regarding the use of telemedicine during the COVID-19 Public Health Emergency:

A. With the extraordinary circumstances arising from the COVID-19 (Novel coronavirus) pandemic, there is widespread and urgent interest in expanded use of telemedicine. In an effort to provide guidance on the practical applications of telemedicine as it relates to the New Mexico Workers' Compensation Act, the WCA Director is publishing this order.

B. The WCA concurs with all aspects of the OSI Bulletin 2020-005 in our support and expectations of telemedicine.

C. This order shall become effective immediately, and shall remain in place until all COVID-19 Health Emergency Orders are lifted or until the 2021 WCA Health Care Provider Fee Schedule becomes effective, whichever occurs first, unless expressly cancelled by the WCA Director.

D. The following are specifically adopted pursuant to 11.4.7.9 NMAC and incorporated by reference as if fully set forth herein: Current Procedural Terminology (CPT) code, as defined in 11.4.7.7(M) NMAC, which is derived from the CPT 2019, Professional Edition, Copyright 2018 by the American Medical Association (AMA) (hereinafter, "CPT 2019"). CPT

2019 is a listing of descriptive terms, numeric and alphanumeric identifying codes and modifiers for reporting medical services and procedures performed by physicians, which is copyrighted by the AMA.

E. Options for social distancing in healthcare to minimize the spread of COVID-19 may include telephone and telemedicine care. The following are adopted to provide clarification and guidance regarding the utilization and reimbursement of telephone and telemedicine services.

1. Telephone: Defined as non-face to face services provided to a patient using the telephone. Telephone services can include medical discussions, between a physician or other healthcare professional and a patient, that do not require direct, in person contact.

- a. Physicians would utilize the appropriate code found in the Evaluation & Management (E&M) section of CPT®.
- b. Non-physicians would utilize the appropriate code found in the Medicine section of CPT®.

2. Telemedicine: Defined as a two-way, real time interactive communication between the injured worker and the provider at a distant site. At a minimum, telemedicine includes audio and video telecommunications equipment. The provider is responsible for HIPAA compliance. Telemedicine is available statewide.

- a. Two components are used to identify when services have been provided via telemedicine. Providers must append modifier 95 to the appropriate CPT® code and bill location place of service code 02.
  - i. Place of service code 02 is for use by physicians and practitioners furnishing telehealth services from a distant site.

- ii. Modifier 95 refers to “synchronous telemedicine service rendered via a real-time interactive audio and video”, and is appropriate for use with all traditional “telemedicine” visits.
- b. The medical records must include locations of the provider and the patient, the time of each service, and detail how the services were rendered (such as secured video).
- c. Telemedicine care remains subject to the maximum allowable payments listed in the WCA’s 2020 Healthcare Provider Fee Schedule & Billing Instructions.
- d. Under this temporary order, telemedicine may be used for both the initial and subsequent visits

F. Preauthorization is not required for telephone and telemedicine services while encouraging appropriate social distancing, in order to assure quick and efficient delivery of medical benefits to New Mexico’s injured workers. However, preauthorization continues to be governed by the NM Workers Compensation Rules [NMAC 11.4.7.8].

G. This Order in no way alters, or intends to alter, any of the Rules of the WCA already in place. To the extent that there is a conflict between the rules, the more specific shall apply.

**IT IS SO ORDERED.**

  
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LORETTA LÓPEZ, Director  
New Mexico Workers’ Compensation Administration

Issued: March 25, 2020