

Audio-Only Behavioral Health Services for MAP Providers



Given the 5/11/2023 discontinuation of the Federal Public Health Emergency (PHE), the Office of Mental Health (OMH) expects providers to rapidly review and come into compliance with regulations pertaining to **Audio-only Behavioral Health Services**. OMH will begin incorporating the terms of the updated telehealth guidance in OMH's certification reviews effective 8/1/23. The Office of the Medicaid Inspector General (OMIG) will be informed of this date to use for future audits.

Audio-only Behavioral Health Services

The following guidance is provided via the February 2023 [DOH Medicaid Update, Comprehensive Guidance Regarding Use of Telehealth including Telephonic Services After the Coronavirus Disease 2019 Public Health Emergency](#) and includes updates on audio-only telehealth.

1. The NYS Medicaid program adopted **FQ**, a new modifier for Medicaid behavioral health services provided via audio-only telehealth. This DOH Medicaid Update guidance is effective 5/12/2023; however, providers will not be sanctioned for failing to use this modifier after such date, *as long as providers are actively working toward compliance*, including making necessary changes to their Electronic Health Records (EHRs) and billing systems to be able to include this modifier on claims. OMH expects providers to start using the modifier as soon as possible so the state can accurately track modalities of telehealth utilization. See p. 41 of [Telehealth Services Guidance for OMH Providers](#) for further information about telehealth modifiers.
2. The Medicaid update requires that providers document a justification for each audio-only encounter, including whether the patient preferred audio-only services or that audio-visual telehealth was not available and why. Providers must also make audio-visual or in-person appointments available upon request and ensure that services can be delivered effectively without a visual or in-person component. While the DOH guidance has an effective date of 5/12/23, DOH has acknowledged that other state agencies may adopt individual policies reflective of the needs and circumstances of the populations they serve. Accordingly, OMH will delay the effective date for this requirement for OMH licensed or designated services to 8/1/23.

End of the Public Health Emergency Telehealth Impacts

The [OMH end of PHE memo](#) details changes to service delivery that will be effective after the PHE ends at the end of the day on May 11, 2023. The telehealth related changes in this guidance have a firm effective date of May 12, 2023.

Please note specifically the provisions on:

- Seeking permanent approval for telehealth services.
- Permissible locations for the telehealth practitioner and individual receiving services in partial hospitalization and continuing day treatment.