

**STATE OF VERMONT
DEPARTMENT OF FINANCIAL REGULATION**

IN RE: CODING AND REIMBURSEMENT)
FOR AUDIO-ONLY TELEPHONE SERVICES)
REQUIRED BY ACT 6 OF 2021)
)
)

Docket No. 23-011-I

ORDER

WHEREAS, the Commissioner of Financial Regulation (the “Commissioner”) is responsible for administering and enforcing the insurance laws and regulations of the State of Vermont;

WHEREAS, Act 6 of 2021, Section 6, required the Department to work in consultation with the Department of Vermont Health Access (DVHA), the Green Mountain Care Board (GMCB), representatives of health care providers, health insurers, and other interested stakeholders to determine:

- (a) appropriate billing and payment codes or modifiers for audio-only telephone services;
- and
- (b) reimbursement rates for audio-only telephone services.

WHEREAS, the Department solicited and received proposals from interested parties, including the Department of Vermont Health Access (DVHA), Cigna, MVP Health Care, Blue Cross Blue Shield of Vermont, and the Coalition of Health Care Associations as to coding and reimbursement for audio-only telephone services.

WHEREAS, the Department has consulted with Department of Vermont Health Access (DVHA), and GMCB.

NOW THEREFORE, the Commissioner makes findings and ORDERS as follows:

FINDINGS OF FACT

1. This Order incorporates by reference paragraphs one through twenty-eight of the Department's Order dated June 29, 2021 in Docket 21-026-I. That Order is available on the Department's website at: <https://dfr.vermont.gov/sites/finreg/files/regbul/dfr-order-docket-21-026-i-audio-coding.pdf>
2. This Order incorporates by reference paragraphs two through eight of the Department's Order dated June 24, 2022 in Docket 22-019-I. That Order is available on the Department's website at: <https://dfr.vermont.gov/sites/finreg/files/regbul/dfr-order-docket-22-019-i-audio-only.pdf>
3. On June 8, 2023, The Department received comments from the Vermont Medical Society (VMS), expressing concern about payers basing payment policies for audio-only telephone services on Current Procedural Terminology (CPT) Appendix T: Codes That May Be Used For Synchronous Real-Time Interactive Audio-Only Telemedicine Services, *available at:* <https://www.ama-assn.org/system/files/cpt-appendix-t.pdf>. VMS asserts that Appendix T is not intended to represent an exclusive list of CPT codes that are appropriate for audio-only service delivery.
4. Under Act 6 of 2021, Section 7, plan year 2024, representing the period from January 1, 2024 to December 31, 2024, is the final year for which the Department has authority to determine the amounts that health insurance plans reimburse health care providers for delivering health care services by audio-only telephone.

ORDER

NOW, THEREFORE, based on the above Findings of Fact, the Commissioner ORDERS as follows:

1. Terms used herein have the meanings given to such terms, if any, in 8 V.S.A. §§ 4100k, 4100l and 18 V.S.A. §§ 4601, 9402.
2. Beginning on January 1, 2024:
 - a. Health insurance plans shall provide reimbursement for audio-only telephone services billed using accepted CPT language and definitions including both CPT codes for in-person services and telephone-specific E/M codes.
 - i. Audio-only telephone services using the CPT code for in-person services shall be reimbursable if the claim is submitted with a **V3 modifier** or any more specific, nationally-recognized successor modifier that may subsequently be adopted by the American Medical Association (to indicate “service delivered via telephone, i.e., audio-only”) and a place of service code of “**99 – other.**”
 1. The V3 modifier should not be used with telephone-specific E/M codes.
 2. Commercial health insurance plans may additionally reimburse audio-only telephone claims with a **V4** modifier to allow differential reimbursement.
 - a. Plans may only use differential reimbursement for audio-only services, as provided in subparagraph b below.

3. Visits initiated in good faith over audio/visual telemedicine which switch to audio-only for any reason shall be reimbursed according to 8 V.S.A. § 4100k(a)(2)(A).
4. This Order shall remain in effect until December 31, 2024, or until rescinded or superseded by further order of the Commissioner.
5. This Order shall be governed by and construed under the laws of the State of Vermont.

ENTERED at Montpelier, Vermont, this 23d day of June 2023.



KEVIN GAFFNEY, Commissioner
Vermont Department of Financial Regulation