

Commonwealth of Kentucky

Telehealth Terminology Glossary

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Anti-Kickback Statute means the federal statute, 42 U.S.C. sec. 1320a-7b(b), that makes it illegal for providers (including physicians) to knowingly and willfully accept supplies, money, or other forms of remuneration in exchange for referring patients for services which will be paid by Medicaid, Medicare or Tricare. Some states, including Kentucky, have similar prohibitions under state law.

Asynchronous Telehealth means a one-way communication mode that is often referred to as “store-and-forward” and represents a health communication process where a patient or clinician collects and records medical health history in the form of data, images, audio or video that is then transmitted and stored at a secure depot for review at a later time by a clinical health provider for the purposes of interpretation, diagnosis, consultation, and treatment.

Audio-only Telecommunication means communication through the use of a telephone that does not include a visual component.

Business Associate Agreement (BAA) means an agreement signed by video communication vendors that provides assurances that stronger security capabilities have been included in their products to prevent data interception and protect electronic personal health information.

Clinical Text/Chat means text/chat technology used between a health care provider and a patient within a secure, HIPAA- compliant telehealth or electronic medical record (EMR) platform. The visit (clinical chat/text conversation) can be synchronous (real-time) or asynchronous (i.e. patient can submit a question via text/chat in follow-up to a visit). Clinical text/chat can be utilized if it is within the scope of the provider’s professional licensure and scope of practice. The secure telehealth/EMR platform also enables the provider to view the patient’s chart/medical history and current health concerns prior to and during the clinical text/chat just like a provider would in a traditional brick and mortar setting.

Covered Entities means health care providers (including physicians), health care plans (insurers), and health care clearinghouses.

Credentialing means the process of obtaining, verifying, and assessing the qualifications of a practitioner to provide care or services in or for a health care organization. Credentials are documented evidence of licensure, education, training, experience, or other qualifications.

Distant Site means the telehealth site where the provider/specialist is seeing the patient at a distance or consulting with a patient’s provider. Other common names for this term include – hub site, specialty site, provider site, and referral site.

E-visit means a non face-to-face, patient-initiated communication using secure messaging through an online patient portal for established patients.

Face-to-Face means visual recognition through live or real-time, interactive, audio and video technology where a provider and patient are in different locations.

Fee Splitting means two or more providers sharing or splitting the professional fee for a healthcare service. Fee splitting is illegal for most health care services. Verify with your payor/insurer if fee splitting is allowed or forbidden.

Health Insurance Portability & Accountability Act of 1996 (HIPAA) means the federal law, 42 U.S.C. secs. 1320d to 1320d-9, that required the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge. It covers only information created, received, or maintained by or on behalf of health care providers and health plans. HIPAA regulations include Privacy Rule; Security Rule; Enforcement Rule; and Breach Notification Rule.

In-Person Visit means a healthcare encounter at which a provider and patient are physically present in the same room.

Licensed Provider means a provider licensed by their professional licensure board to practice in the state in which the patient is located, and who is operating within the scope of the provider's professional licensure and scope of practice.

Medicaid Telehealth Provider means a telehealth provider enrolled in Medicaid in accordance with 907 KAR 1:672; participating as a Medicaid provider in accordance with 907 KAR 1:671; operating within the scope of the provider's professional licensure; and operating within the provider's scope of practice.

Medically Necessary Health Care Services means health care services that a provider would render to a patient for the purpose of preventing, diagnosing, or treating an illness, injury, disease, or its symptoms in a manner that is: (a) in accordance with generally accepted standards of medical practice; and (b) clinically appropriate in terms of type, frequency, extent, and duration.

Non-Public Facing Remote Communication Products means communication products that employ end-to-end encryption, which allows only an individual and the person with whom the individual is communicating to see what is transmitted.

Originating Site means the site where the patient is physically located at the time a telehealth service or telehealth consultation is provided.

Place of Service means anywhere the patient is located at the time a telehealth service is provided and includes the patient's home or office, or a clinic, school, or workplace.

Place of Service Code means a Centers for Medicare and Medicaid Services code utilized to specify where service(s) were rendered. For example, place of service 02 is

used by Medicaid to designate that a service was provided or rendered by a telecommunications system.

Presenter means an individual with a clinical background (e.g., LPN, RN, etc.), trained in the use of the telehealth equipment who is available at the originating site to “present” the patient, manage the cameras, and perform any “hands-on” activities to successfully complete an exam for a distant provider.

Privileging means the process whereby a specific scope and content of a patient care service (that is clinical privileges) are authorized for a healthcare practitioner by a health care organization, based on an evaluation of the individual’s credentials.

Protected Health Information (PHI) means individually identifiable health information held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral.

Public-Facing Remote Communication Products means communication products that are designed to be open to the public or allow wide or indiscriminate access to the communication.

Referral means an order from a primary care doctor to a specialist for specific medical services.

Remote Patient Monitoring means the collection, transmission, evaluation, and communication of individual health data from a patient to their healthcare provider or extended care team from outside a hospital or clinical office (i.e., the patient’s home) using personal health technologies including wireless devices, wearable sensors, implanted health monitors, smartphones and mobile apps. Remote patient monitoring supports ongoing condition monitoring and chronic disease management and can be synchronous or asynchronous, depending upon the patient’s needs. The application of emerging technologies, including artificial intelligence (AI) and machine learning, can enable better disease surveillance and early detection, allow for improved diagnosis, and support personalized medicine.

Stark Law means the federal law, 42 U.S.C. sec. 1395nn, that prohibits a provider from referring patients for services paid by Medicare, Medicaid, or Tricare to another provider for the provision of a designated health service (DHS) (like laboratory work or radiology) if the referring physician or closely related family member owns or has a financial relationship with the entity providing the DHS.

Store-and-Forward means a type of telehealth encounter or consult that uses still digital images of a patient for the purpose of rendering a medical opinion or diagnosis. Common types of store-and-forward services include radiology, pathology, dermatology and wound care. Store-and-forward also includes the asynchronous transmission of clinical data, such as blood glucose levels and electrocardiogram (ECG) measurements, from one site (e.g., patient’s home) to another site (e.g. home health agency, hospital, or clinic).

Synchronous Telehealth means a two-way or bi-directional mode that means a telehealth service that simulates an in-person encounter via real-time interactive audio and video technology between a telehealth provider and a patient/recipient with each in a different geographic location.

Technology-Enabled Modalities means telehealth and virtual care solutions that provide for physician-to-physician consultation, patient education, data transmission, data interpretation, digital diagnostics (algorithm-enabled diagnostic support) and digital therapeutics (the use of personal health devices and sensors, either alone or in combination with conventional drug therapies, for disease prevention and management).

Telehealth or Digital Health:

(a) Means a mode of delivering healthcare services through the use of telecommunication technologies, including but not limited to synchronous and asynchronous technology; remote patient monitoring technology; and audio-only encounters, by a health care provider to a patient or to another health care provider at a different location.

(b) Shall not include:

1. The delivery of health care services through electronic mail, text, chat, or facsimile unless a state agency authorized or required to promulgate administrative regulations relating to telehealth determines that health care services can be delivered via these modalities in ways that enhance recipient health and well-being and meet all clinical and technology guidelines for recipient safety and appropriate delivery of services; or

2. Basic communication between a health care provider and a patient, including but not limited to appointment scheduling, appointment reminders, voicemails, or any other similar communication intended to facilitate the actual provision of healthcare services either in-person or via telehealth; and

(c) Unless waived by the applicable federal authority, shall be delivered over a secure communications connection that complies with the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. secs. 1320d to 1320d-9.

Telehealth Consultation means a medical or health consultation for purposes of patient diagnosis or treatment that meets the definition of telehealth.

Telehealth Informed Consent means informed consent given by the patient, or an individual with authority to make the health care treatment decisions for the patient, before a healthcare service is provided via telehealth.

Telehealth Service means any service that is provided by telehealth and is one of the following: (a) Event; (b) Encounter; (c) Consultation; (d) Visit; (e) Store-and-Forward transfer; (f) Remote Patient Monitoring; (g) Referral; or (h) Treatment.

Telemedicine means the use of medical information exchanged from one site to another via electronic communications to improve a patient's clinical health status.

Telephonic Services means healthcare services delivered via audio-only telecommunication.

Temporarily Located means to be present in a location where a person is not domiciled:

- (a)
 1. For a period of no more than one hundred eighty-two days (182) days per year; or
 2. For a period of one hundred eighty-three (183) days or more per year if the absence is due to an extended temporary stay such as for:
 - a. A temporary job assignment or employment; or
 - b. Attendance at a college, school, or university; and
- (b) The person intends to return to his or her true, fixed, permanent home.

Transmission Cost means the connection costs and related charges that could occur during the time of the transmission of a telehealth consultation.

Virtual Visit means the transmission, communication, consultation, and evaluation by a healthcare provider to a patient where care (primary care, specialty care, or behavioral health care) is performed virtually. Approved modalities for facilitating the visit include: synchronous or asynchronous text/chat; real-time audio and video, asynchronous store-and-forward telehealth technology, audio-only telecommunication technology all within a secure, HIPAA compliant telehealth or EMR platform. Remote patient monitoring devices, wearable sensors or implanted monitors using wireless technology/Bluetooth may also be connected to the secure platform to support the visit.

Note: The Division of Telehealth is responsible for establishing this glossary of standard telehealth definitions, as well as providing guidance to providers and promoting access to telehealth services. It is not a credentialing or licensure organization.