
Risk Adjustment Telehealth and Audio-only Services FAQ

May 13, 2024

Question: Can the Department of Health and Human Services (HHS) clarify what the telehealth policy is for the HHS-operated risk adjustment program for the 2024 benefit year and beyond?

Response: HHS is extending policies related to the treatment of telehealth and audio-only services that were put in place in response to the increased need to expand the use of telehealth services during the COVID-19 public health emergency for the 2020 through 2023¹ benefit years to the 2024 benefit year and beyond. HHS is extending these policies for purposes of the HHS-operated risk adjustment program under section 1343 of the Affordable Care Act (ACA) due to changes in patterns of care and higher levels of use of telehealth and audio-only services that can be expected to continue into future benefit years.

More specifically, any service provided through two-way, real-time interactive communication (including in-person, face-to-face interactions, telehealth via real-time interactive audio-visual systems, and real-time audio-only [i.e., telephonic] communications) between the patient and qualified healthcare professional that is reimbursable under applicable state law² and otherwise meets applicable risk adjustment [data submission standards](#) may be submitted to issuers' External Data Gathering Environment (EDGE) servers for purposes of the HHS-operated risk adjustment program³ for the 2024 benefit year and beyond.

After submission to an issuer's EDGE server, services captured on claims data are subject to risk adjustment diagnosis filtering. Diagnosis filtering extracts diagnoses from issuer's EDGE data submissions that contain a service which involves two-way, real-time interactive communication between a patient and a qualified healthcare professional on which the healthcare professional can reliably record a diagnosis.⁴

We recognize that many conditions cannot be diagnosed through audio-only (i.e., telephone) interactions and will defer to applicable coding and diagnosis guidelines setting groups (e.g., American Medical

¹ Prior years' Risk Adjustment Telehealth and Telephone Services During COVID-19 FAQs can be found at <https://www.cms.gov/marketplace/resources/fact-sheets-faqs>.

² Applicable state law refers to the laws of the state in which the issuer is licensed, for services that are rendered by a healthcare professional licensed in the state in which he or she practices and if required, in the state in which the enrollee resides.

³ Beginning with the 2017 benefit year, HHS has operated the risk adjustment program under section 1343 of the ACA on behalf of all states and the District of Columbia.

⁴ For more information on risk adjustment diagnosis filtering, see discussion in prior years' "Do It Yourself (DIY)" Software Documentation, which are available at <https://www.cms.gov/ccio/resources/regulations-and-guidance#PremiumStabilization-Programs>.

Association) on what permissible diagnoses for audio-only services may be in order to determine eligible diagnosis codes for the HHS-operated risk adjustment program.⁵

Risk adjustment-eligible diagnosis codes will be validated in HHS-operated risk adjustment data validation. HHS evaluates service codes – Current Procedural Technology (CPT)/Healthcare Common Procedure Coding System (HCPCS) codes – quarterly in order to keep the list of service codes that are acceptable sources of diagnoses up-to-date. Similarly, we intend to reconsider which two-way, real-time interactive communication codes are acceptable sources of diagnoses for future benefit years, as appropriate. Information on the codes designated by HHS as valid for risk adjustment data submission for a benefit year will be provided in the applicable benefit year’s “Do It Yourself (DIY)” Software Documentation.⁶

Send questions about this FAQ to RARIPaymentOperations@cms.hhs.gov and please include “HHS-RA Telehealth Question” in the subject line.

⁵ For example, the American Medical Association provided several resources specific to use and coding of communication technology based services (including telephonic services): <https://www.ama-assn.org/practice-management/digital/ama-quick-guide-telemedicine-practice> or <https://www.ama-assn.org/practice-management/cpt/covid-19-coding-and-guidance>.

⁶ “Do It Yourself (DIY)” Software Documentation is available at <https://www.cms.gov/marketplace/resources/regulations-guidance#PremiumStabilization-Programs>.