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Providers, Ignore Anthem's Incorrect Telehealth Claims (and don't ingest Lysol, either)

April 27, 2020 by Catherine Montgomery

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On Friday, Anthem Workers' Compensation sent an email to workers' comp providers with misleading claims regarding telehealth compliance. The email misrepresents telehealth privacy and security requirements by incorrectly asserting that various video platforms are disallowed — and, perhaps too-conveniently, offers an Anthem-affiliated alternative.

As providers scramble to treat ill and injured workers while minimizing exposure to a deadly and contagious virus, Anthem is disseminating spurious information to these providers regarding compliant telehealth platforms. It's difficult not to be cynical, to

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wonder if this isn't an attempt to take advantage of the circumstances brought about by COVID-19.

Whatever Anthem's motives, providers should disregard any network or claims administrator attempts to dictate California workers' comp telehealth rules and regulations that are not promulgated solely by the Division of Workers' Compensation (DWC).

Anthem Is Not the Telehealth Authority

Anthem's message asserts that the use of video platforms like Skype and FaceTime is not allowed, claiming in its unfortunately mangled version of the English language that:

"These social version use [sic] for telehealth is not secure and not HIPAA compliant compared to versions like 'Zoom for Healthcare.' Per Anthem Workers' Compensation policy and Medicare policy, while telehealth billing [sic] use has been liberalized, the requirement for security has NOT. Bottom-line [sic] social platforms being used by most providers are not compliant per our policy and may result in non-reimbursement and added risk."

With all the subtlety of a QVC infomercial, the message then touts the benefits of Kura MD, a telehealth application with which Anthem has "teamed up." While Kura MD may be a beneficial service, using this service is **not** a requirement for compliant telehealth medical treatment.

Unfortunately, the premise behind Anthem's sales pitch is completely false, as the true authorities regarding telehealth made clear in various public notices. For anyone tempted to accept Anthem's claims about telehealth privacy and security requirements, bear three critical facts in mind:

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1. The federal department of Health and Human Services (HHS), not Anthem, determines HIPAA compliance requirements.

HHS was unequivocal in their [March notice to providers](#) regarding telehealth during the COVID-19 crisis, even helpfully naming various examples of acceptable platforms through which providers may conduct services without fear of penalty:

Under this Notice, covered health care providers may use popular applications that allow for video chats, including Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, Zoom, or Skype, to provide telehealth without risk that OCR might seek to impose a penalty for noncompliance with the HIPAA Rules related to the good faith provision of telehealth during the COVID-19 nationwide public health emergency.

Putting aside the notion of HIPAA's applicability to workers' compensation, the Anthem claims about HIPAA compliance are clearly not aligned with stated HHS policy.

2. California's Department of Insurance (CDI) endorsed the use of appropriate video platforms for telehealth for network providers.

In a [March notice](#), California Insurance Commissioner Ricardo Lara made the CDI's position clear:

Insurers should allow all network providers to use all available and appropriate modes of telehealth delivery including, but not limited to, synchronous video, and telephone-based service delivery. (The federal government will



exercise enforcement discretion as to HIPAA privacy requirements, permitting services such as Google Hangouts, FaceTime, and Skype to be used during this crisis).

3. The DWC Alone Determines Workers' Comp Rules and Regulations.

As we [explained in a previous post](#), the final authority on California workers' compensation is the DWC. While various claims administrators may attempt to dictate their own preferences for telehealth medical treatment, no entity outside the DWC may determine which telehealth platforms are permissible and payable.

Acceptable Telehealth Platforms

In its misleading email, Anthem fails even to cite any particular policy of its own network regarding which telehealth tools are sufficiently secure, other than Kura MD. Suffering from what may be a medically diagnosable inability to detect irony, Anthem trumpets the enhanced security of Kura MD by citing the application's included telehealth platform: Zoom for Healthcare.

Yes, [that Zoom](#).

HHS, in the notice cited above, listed which platforms thus far meet an acceptable standard during the COVID-19 pandemic, several of which Anthem incorrectly names as unacceptable:

- Apple FaceTime
- Facebook Messenger video chat
- Google Hangouts video
- Zoom
- Skype
- Skype for Business/Microsoft Teams



- Updox
- Zoom for Healthcare
- Doxy.me
- Google G Suite Hangouts Meet
- Cisco Webex Meetings/Webex Teams
- Amazon Chime
- GoToMeeting
- Spruce Health Care Messenger

HHS also specifies two platforms which are not acceptable, due to their being “public-facing,” i.e. communication on these platforms is publicly visible:

- Facebook Live
- TikTok

For California workers’ comp telehealth services, the DWC has stated in its recent [Newslines](#) only that providers are encouraged to utilize telehealth services, and that such services must include a live video connection.

Anthem’s apparently manipulative message is unconscionable.

The email only adds confusion to an already terrible crisis and muddies the waters at a time when clarity is essential. Misinformation has already proven to be a dangerous addition to the challenges our healthcare system faces during COVID-19. Anthem’s claims about telehealth are about as credible as the latest medical advice on imbibing Lysol.

DaisyBill is committed to being a reliable source of information for providers. For an in-depth lesson on e-billing for workers’ comp during the current pandemic, consider joining us for a free, live

