



### Update on the End of the Federal Public Health Emergency: What Mental Health Providers Need to Know



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SPEAKER DISCLOSURE: Ms. Fernbach has no relevant financial relationship(s) to disclose and DOES NOT INTEND to discuss off-label or investigational use of products or services.

#### DATE



**Tuesday May 2nd, 2023 | 7pm-8pm**

#### Live online Webinar:



<https://weillcornell.zoom.us/j/92477153371>  
Passcode: 728638

#### CONTINUING EDUCATION (Optional)



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Content is appropriate for beginner, intermediate and advanced level practitioners.

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#### Abstract

This webinar will update providers about changes in federal rules and requirements in connection with the end of the federal public health emergency (PHE), which is ending on May 11, 2023. The webinar will address changes in laws including: the Ryan Haight Act In-Person Visit Requirement, the DEA proposed rules issued March 1, 2023 as we await a final rule, the DEA Registration Requirement which will go back into effect May 11, 2023, the requirement to use HIPAA-Compliant Telemedicine Software which will go back into effect May 11, 2023, Medicare coverage of telehealth and audio-only services for mental health and substance use disorders treatment and Medicare place of service codes/modifiers.

#### Biography

Rachel A. Fernbach is a partner at Moritt Hock & Hamroff LLP, where she serves as Co-Chair of the firm's Not-For-Profit practice group. Ms. Fernbach concentrates her practice in the area of not-for-profit law and health care law with a specialty in psychiatry and other mental health services. She represents a variety of health care providers, including mental health providers and agencies that provide services for individuals with intellectual and developmental disabilities. Ms. Fernbach has significant experience in corporate transactions involving not-for-profit corporations, including formation, application for federal tax exemption, mergers and acquisitions, dissolution and governmental approval of fundamental corporate actions. In addition, her expertise extends to the law governing physicians and other licensed health care professionals, including HIPAA compliance, licensure, disciplinary matters, confidentiality, documentation, and coding, reimbursement and audit matters. Ms. Fernbach serves as the Executive Director and General Counsel of the New York State Psychiatric Association, a division of the American Psychiatric Association and the medical specialty association of psychiatrists practicing in New York State.

#### Learning Objectives

1. Describe changes in federal rules and requirements in following the end of the Federal Public Health Emergency (PHE).
2. Explain proposed DEA rules amending the Ryan Haight Act.
3. Discuss the DEA Registration Requirement.
4. Describe requirements for HIPAA-Compliant Telemedicine Software.
5. Discuss Medicare coverage of telehealth and audio-only services for MH/SUD treatment.
6. Identify Medicare place of service codes and modifiers.

#### Suggested Reading

1. Prescription of Controlled Substances After the Federal Public Health Emergency: <https://omh.ny.gov/omhweb/guidance/prescriptions-after-cv19-federal-emergency.pdf>
2. Telehealth for the treatment of Serious Mental Illness and Substance Use Disorders: <https://store.samhsa.gov/sites/default/files/pep21-06-02-001.pdf>
3. DEA Proposed Rules for Permanent Telemedicine Flexibilities: <https://www.dea.gov/press-releases/2023/02/24/dea-announces-proposed-rules-permanent-telemedicine-flexibilities>