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The MMS will continue to monitor developments related to the coronavirus (COVID-19) and the response by state and federal agencies. For current information, including updates from the NEJM, visit the dedicated page on the MMS website: massmed.org/covid-19.

As a reminder, physicians may continue to email questions to the MMS for assistance. For information on developments related to the COVID-19 response and resources available from the state and federal agencies, send questions to dph@mms.org. For assistance with practice management and sustainability, telemedicine, and payer relations, send questions to pprc@mms.org.

Practice Management

New legislation grants immunity from suit, civil liability

Thanks to the ongoing efforts of many within the Massachusetts Medical Society and the legislature, legislation was passed today granting health care professionals and health care facilities with immunity from suit and civil liability for damages alleged to have been sustained by an act or omission occurring in the course of providing health care services during the period of the COVID-19 emergency so long as the health care services were provided in good faith and damages were not caused by gross negligence, recklessness, or conduct with an intent to harm or discriminate. Amongst those afforded these protections are physicians, medical residents, and certain recently graduated

medical students, along with facilities such as hospitals, clinics, SNFs, and Community Health Centers.

This civil liability immunity is retroactively effective from March 10, 2020 and lasts for the duration of the COVID-19 state of emergency. The MMS has been [actively communicating](#) with legislative leadership and other stakeholders to enact these critical legal protections to ensure health care providers do not face an inapposite risk of liability exposure—and can instead focus on providing the best patient care possible—during these unprecedented times. For more information on this legislation and the Medical Society’s [testimony](#) and [efforts in support](#) of enacting these protections, [click here](#).

Financial resources for practices during COVID-19

During the COVID-19 pandemic, physicians and practices are confronting many business challenges while continuing to deliver high-quality care to their patients. The Massachusetts Medical Society compiled a list of resources intended to provide an overview of the financial assistance available to medical practices during the pandemic. The MMS will continue monitoring the needs of physicians and their practices as they change throughout the pandemic. Information about loans and financial assistance programs for physicians, medical students, and residents can be [found here](#).

Telehealth Q/A

During the MMS Virtual Member Forum, the following question was asked:

"Does the CMS require the teaching physician to be on the video or phone when residents or fellows conduct the virtual visit? If they are not on the line, can this visit be billed under primary care exception with indirect supervision?"

CMS provided the following information:

“We are revising the definition of direct supervision to include, during the PHE, a virtual presence using interactive telecommunications technology, for services paid under the Physician Fee Schedule as well as for hospital outpatient services. Through this interim final rule, for the duration of the PHE for the COVID-19 pandemic, we are allowing Medicare payment for services billed by teaching physicians when residents furnish telehealth services to beneficiaries under direct supervision of the teaching physician which is provided by interactive telecommunications technology.

Medicare may also make payment for services billed by the teaching physician under the so-called primary care exception under our regulation at section 415.174 when a resident furnishes telehealth services to beneficiaries under the direct supervision of the teaching physician by interactive telecommunications technology. To learn more about CMS changes to supervision, please refer to page 28-29 of COVID-19 [Frequently Asked Questions \(FAQs\) on Medicare Fee-for-Service \(FFS\) Billing](#).”

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