

Telemedicine to Combat COVID-19



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Regulators at both the federal and state level are using expansion of telemedicine to help communities fight back against the spread of COVID-19. On Friday, March 13, President Trump declared a [National Emergency](#) related to COVID-19 and outlined a number of areas where he has conferred authority on the Secretary of Health and Human Services (HHS) to allow waivers regarding certain Medicare and Medicaid requirements. President Trump included telehealth waivers in his comments, which would waive certain licensing requirements allowing telemedicine to be provided across state borders and on a broader scale. This follows on the heels of Congressional action and passage of the [Coronavirus Preparedness and Response Supplemental Appropriations Act](#) on March 6 that gave the HHS Secretary the power to expand use of telehealth services for Medicare beneficiaries in the event of an emergency.

In addition, states are addressing use of telemedicine by issuing emergency orders revolving around insurance coverage. Most recently, Governor Charles Baker of Massachusetts issued an [Order to Expand Telehealth Services](#), effective March 16, requiring health insurers to “allow all in-network providers to deliver clinically appropriate, medically necessary covered services to members via telehealth.” The Order requires that the insurers “shall not impose any specific requirements on the technologies used to deliver telehealth services (including any limitations on audio-only or live video technologies).” Insurers are “required to cover, without any cost-sharing (i.e., copayments, deductibles, or coinsurance), medically necessary treatment delivered via telehealth related to COVID-19 at in-network providers.”

Similarly, the New York Department of Financial Services (DFS) adopted an [Insurance Regulation 62](#) directing health insurers to waive cost sharing in certain instances, including in-network telehealth visits, related to COVID-19 testing. Previous guidance this month from New York DFS advised health insurers to offer, where possible, telehealth medical advice and treatment related to treatment for COVID-19.

On March 13, the Alabama Department of Insurance (ALDOI) issued [Bulletin 2020-02](#) to broadly address insurance coverage issues in the wake of COVID-19. Included in the bulletin, the ALDOI anticipates the increased use of telehealth services, stating, “given that COVID-19 is a communicable disease, some insureds may be using telehealth services instead of in-person health care services. Health carriers are asked to review and ensure their telehealth programs with participating providers are robust and will be able to meet any increased demand.”

As Americans are encouraged to practice social distancing during this period of time and the need for healthcare is increasing, it is anticipated that additional states will continue to address insurance coverage issues in response to COVID-19.