

Indiana Department of Insurance

April 21, 2020

Bulletin 253

This bulletin is to provide guidance relating to Governor Eric J. Holcomb's Executive Order 20-13, as well as provide additional information about coverage for COVID-19 testing services in bulletin 252.

1. Patient's Compensation Fund (PCF) and Healthcare Providers and Facilities

The IDOI requests that any temporary healthcare facility established and operating as outlined in Executive Order 20-13, will be subject to the same provider agreement, including but not limited to the terms, conditions, and reimbursement, as the primary hospital has with regards to policy benefits. This would include any:

- Ambulatory care
- Outpatient care
- Inpatient care
- Emergency care
- Rehabilitative care
- Any other care deemed necessary to the care of COVID-19 or to relieve the burden of COVID-19 on the primary hospital.

The IDOI requests that any temporary healthcare facility established and operating as outlined in Executive Order 20-13, will be subject to the same provider agreement, including but not limited to the terms, conditions, and reimbursement, as the primary hospital has with regards to policy benefits. These benefits would include any benefits or policies issued under Title 27 that cover hospitalizations under an indemnity type coverage, short-term limited duration, critical illness or dread disease type coverage, or any other medical policy. This would include any:

- Ambulatory care
- Outpatient care
- Inpatient care
- Emergency care
- Rehabilitative care
- Any other care deemed necessary to the care of COVID-19 or to relieve the burden of COVID-19 on the primary hospital.

Pursuant to Executive Order 20-13, Section 1(b)(v), the IDOI requests that medical malpractice insurers in Indiana extend coverage for temporary healthcare facilities which may be established in response to the COVID-19 public health emergency. The IDOI also recommends that these temporary healthcare facilities be associated with, and operate under, a primary hospital which, for the purposes of the PCF, will provide liability insurance coverage and PCF qualification under the Medical Malpractice Act, Ind. Code 34-18-1-1 et seq.

The IDOI recommends that healthcare providers and student healthcare providers identified in Executive Order 20-13, Section 2(b)-(f), be associated and employed through a hospital, for purposes of qualification with the PCF under the Medical Malpractice Act, Ind. Code 34-18-1-1 et seq.

Healthcare providers who provide volunteer services during the COVID-19 public health emergency may share in the limits of a qualified hospital under whose purview they are providing the volunteer services.

2. COVID-19 Testing and Services Cost-Sharing, Prior Authorizations, and Telemedicine

The IDOI provides further guidance to supplement section two of bulletin 252, *Cost-Sharing and Prior Authorizations for Covid-19 Testing Services and Treatment*. As in bulletin 252, insurance companies writing accident and sickness insurance policies, as defined by IC § 27-8-5-1, and HMOs (collectively, “Insurers”) are reminded of the enactment of the Families First Coronavirus Response Act (Public Law 116-127) (“FFCRA”). Furthermore, Insurers are reminded of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (“CARES Act”) enacted subsequent to bulletin 252. This bulletin provides supplemental guidance to Insurers about COVID-19 Testing Services and Treatment for COVID-19.

The FFCRA and the CARES Act require Insurers that offer group or individual plans, including grandfathered plans, to cover testing, related services and any associated visit in a range of settings without cost-sharing for COVID-19. As a reminder, Insurers must also waive any prior authorization for COVID-19 testing services, thereby enabling members to receive care as soon as possible without any administrative and management barriers.

The CARES Act also requires Insurers to reimburse the provider of the diagnostic COVID-19 testing services. The reimbursement amounts are based on whether the Insurer has a negotiated rate with the provider. Furthermore, Insurers that offer Affordable Care Act (“ACA”) compliant individual or group plans must cover any qualifying coronavirus preventive services fifteen (15) business days after such services are made available, which includes evidence-based items or services that have an A or B effective rating in the United States Preventive Services Task Force or immunizations as recommended from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

As a reminder, the IDOI encourages the use of telemedicine in all reasonable instances in connection with testing, screening, and treatment of COVID-19, and to waive any cost-sharing for the use of telemedicine related to testing and screening of COVID-19 to ensure policyholders have access to this critical preventive care. Furthermore, the IDOI encourages Insurers to promote and support the use of telehealth and not to limit remote care to COVID-19-related services. The CARES Act allows for high deductible health plans (“HDHP”) with health savings accounts (“HSA”) to cover telehealth services before a patient reaches his or her deductible amount. Furthermore, the Centers for Medicare and Medicaid Services (“CMS”), under the authority of the Coronavirus Preparedness and Response Supplemental Appropriations Act (Public Law 116-123), the FFCRA, CARES Act, and subsequent CMS guidance expanded the use of telemedicine services for Medicare beneficiaries, including the use of audio-only telehealth services.

The IDOI also encourages Insurers to cover enrollees for prescription drug refills even when the enrollee has not yet reached their scheduled refill date, provided that the prescription itself would remain valid beyond the refill date. The IDOI also encourages Insurers to consider allowing

enrollees the temporary use of out-of-network pharmacies at the in-network benefit level of coverage in the event a shortage of medications occurs at network pharmacies.

Questions regarding this bulletin should be directed to Heather Alford at HALford@idoi.in.gov or 317-232-2421.

INDIANA DEPARTMENT OF INSURANCE

A handwritten signature in black ink, reading "Stephen W. Robertson", is written over a horizontal line. The signature is fluid and cursive.

Stephen W. Robertson
Insurance Commissioner