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DEPARTMENT OF INSURANCE

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BULLETIN NO. 20-03

DATE: April 6, 2020
TO: All Health Insurance Companies
FROM: Dean L. Cameron, Director
SUBJECT: Temporary Waiver of Certain Policy and Enforcement Requirements – Provider Restrictions

This Bulletin applies to health insurance carriers offering individual or employer sponsored group major medical health insurance policies covered by the Title 41, chapters 22, 47, or 52, Idaho Code.

The COVID-19 pandemic has created unprecedented challenges for individuals and employers. In order to minimize the potential loss of coverage for individuals and employees of group plans sponsored by employers, carriers have requested, and the Department has granted regulatory flexibility in certain areas.

On March 13, 2020, Governor Little signed a proclamation declaring a state of emergency in Idaho due to the coronavirus pandemic, which states in part:

State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the 2019 novel coronavirus (COVID-19).

State licensing agencies and departments are authorized to temporarily exercise enforcement discretion, implement temporary rules, and waive licensing and related requirements to maximize access to health care services and provider support in response to COVID-19.

The emergency proclamation has the force and effect of law. Idaho Code section 46-1008.

The Director of the Department of Health and Welfare issued an Order to Self-Isolate based on the COVID-19 emergency on March 25, 2020, which includes the directive for Idahoans to maintain a distance of six feet from people who are not part of one's household.

The Department finds that waiver of certain requirements that insurance carriers or Idaho Insurance Code may place on providers will maximize healthcare access and assist the State of

Idaho in its response efforts, by minimizing in-person contact, thereby potentially slowing the spread of the virus and alleviating subsequent demand on the healthcare system and responders. The waiver will also minimize the need for Idahoans to be within six feet of one another.

Therefore, pursuant to authority in Idaho Code section 41-210(2) and 41-210(5), the Department hereby authorizes health insurance carriers under Department jurisdiction to:

- Immediately allow for provider-patient relationships to be established over two-way audio or audio-visual interaction;
- Provide coverage of telehealth visits for all in-network providers, if the visit would be reimbursable telehealth under the Secretary of the Department of Health and Human Services [1135 waiver](#) published March 13, 2020;
- Allow in-network providers to use non-HIPAA compliant communication platforms (such as Skype, Facebook Messenger, or Apple Facetime) to provide patient care, to the extent that the provider does not already have access to a HIPAA compliant platform; and
- Allow healthcare service providers to waive or pay all or part of a claimant's deductible or cost-sharing for COVID-19 related testing, diagnosis, and treatment.

Additionally, the Department will not pursue enforcement actions for violations of Idaho Code section 41-348(2) for any medically necessary claim for testing, diagnosis, or treatment of COVID-19.

This Bulletin will remain in effect so long as the Governor's emergency proclamation remains in effect, including extensions and renewals.