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Act No. 6 (S.117). Health; COVID-19; health care providers; regulatory flexibility; telehealth; audio-only telephone coverage; advance directives

An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone

This act extends through March 31, 2022, certain COVID-19-related health care regulatory flexibility provisions originally enacted in 2020 Acts and Resolves No. 91 and previously extended by 2020 Acts and Resolves No. 140. The act also extends for an additional year, through June 30, 2022, provisions allowing for variations from the usual statutory witnessing requirements for advance directives executed during the COVID-19 pandemic.

The act requires health insurance plans and Medicaid to cover all medically necessary, clinically appropriate health care services delivered by audio-only telephone to the same extent that they would cover the services if delivered in person. It allows health care providers to deliver services by audio-only telephone if the patient chooses to receive services in that manner and it is clinically appropriate to do so and specifies certain informed consent requirements for delivery of services by audio-only telephone. The act directs the Department of Financial Regulation (DFR), in consultation with stakeholders, to determine by July 1, 2021, the appropriate codes and modifiers to be used by health care providers and health insurers not later than January 1, 2022, in billing and payment for health care services delivered by audio-only telephone. It requires DFR and others to present information to the legislative committees of jurisdiction by December 1, 2023, regarding the use of audio-only telephone services during calendar year 2022. The act directs DFR, in consultation with stakeholders, to determine the amounts that health insurance plans must reimburse providers for delivering services by audio-only telephone during plan years 2022, 2023, and 2024. It also allows DFR to adopt emergency rules on health insurance coverage for and reimbursement of telephone calls used to determine whether an office visit or other service is needed; these emergency rules may remain in effect through March 31, 2022.

Effective Date: March 29, 2021