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The Federal Communications Commission (FCC) COVID-19 Telehealth Program

FCC provides $200 million in an emergency telehealth program in response to the COVID-19 outbreak

Overview: The Coronavirus Aid, Relief, and Economic Security (CARES) Act provided $200 million to the FCC to support health care providers in the fight against the ongoing pandemic. On March 30, 2020, the FCC chairman presented his plan for the $200 million, and on April 2cnd, the project was approved by the Commission.

The FCC established a COVID-19 Telehealth Program, distinct from the broader Connected Care Pilot Program -- a three-year grant program for health care providers who propose projects for low-income or veteran patients. The Pilot Program will make available up to $100 million over three years for selected pilot projects.

Additional FCC Telehealth Activity: The FCC also made several regulatory announcements on existing telehealth support:

 • The FCC waived gift rules in the Rural Health Care and E-Rate Programs to make it easier for broadband providers to support telehealth and remote learning efforts during the pandemic. The waiver will allow healthcare providers, schools, and libraries to accept improved capacity, Wi-Fi hotspots, networking gear, or other equipment or services to support doctors and patients, teachers and students, and librarians and patrons during the COVID-19 outbreak. More information is available here.

• The FCC announced that it would fully fund all eligible Rural Health Care Program services for the current funding year with an additional $42.19 million.

FCC COVID-19 Telehealth Eligible Applicants: <u>For-profit hospitals will not be allowed to apply</u>**.** The program is limited to nonprofit and public eligible health care providers: (1) post-secondary educational institutions offering health care instruction, teaching hospitals, and medical schools; (2) community health centers or health centers providing health care to migrants; (3) local health departments or agencies; (4) community mental health centers; (5) not-for-profit hospitals; (6) rural health clinics; (7) skilled nursing facilities; or (8) consortia of health care providers consisting of one or more entities falling into the first seven categories.

<u>**Award Amounts:**</u> <u>The FCC does not specify a limit on how much it will award, but it does not anticipate awarding more than $1 million to any single applicant. FCC will award support to eligible applicants based on the estimated costs of the supported services and connected devices they intend to purchase.</u> Applicants that have exhausted initially awarded funding may also request additional support. Applicants that are selected may also submit an application to receive funding from the Connected Care Pilot Program, but may not request funding for the same exact services from both programs.

<u>What Can the Funds be Used For:</u> Funds may be used to purchase telecommunications services, information services, and connected devices to provide connected care services in response to COVID-19, including by freeing up resources for health care professionals to treat COVID-19. Monitoring devices (*e.g.*, pulse-ox and BP monitoring devices) and devices that patients can use at home and then share the results with their health care provider will not be funded unless they are themselves

connected. In addition, funds <u>may not be used</u> for administrative expenses related to participation in the program (*e.g.*, costs for preparing an application) or other miscellaneous expenses (*e.g.*, doctor and staff time spent on program outreach).

Application Process: The FCC will begin accepting applications immediately after the publication of the Order and notice of approval by the Office of Management and Budget in the Federal Register.

<u>Providers' program applications will be accepted on a rolling basis until they are exhausted or until the current pandemic ends.</u> Organizations located in areas with high numbers of COVID-19 cases will be given priority as well as underfunded institutions with mostly low-income and Medicare patients.

To be considered for participation in the COVID-19 Telehealth Program, interested eligible health care providers must submit applications that, at a minimum, contain the information detailed below.

- Names, addresses, county, and health care provider numbers (if available),[1] for health care providers seeking funding through the COVID-19 Telehealth Program application and the lead health care provider for applications involving multiple health care providers.

- Contact information for the individual that will be responsible for the application (telephone number, mailing address, and email address).

- Description of the anticipated connected care services to be provided, the conditions to be treated, and the goals and objectives. This should include a brief description of how COVID-19 has impacted your area, your patient population, and the approximate number of patients that could be treated by the health care provider's connected care services during the COVID-19 pandemic. If you intend to use the COVID-19 Telehealth Program funding to treat patients without COVID-19, describe how this would free up your resources that will be used to treat COVID-19 and/or how this would otherwise prevent, prepare for, or respond to the disease by, for example, facilitating social distancing.

- Description of the estimated number of patients to be treated.

- Description of the telecommunications services, information services, or "devices necessary to enable the provision of telehealth services" requested, the total amount of funding requested, as well as the total monthly amount of funding requested for each eligible item. If requesting funding for devices, description of all types of devices for which funding is requested, how the devices are integral to patient care, and whether the devices are for patient use or for the health care provider's use. As noted above, monitoring devices (e.g., pulse-ox, BP monitoring devices) will only be funded if they are themselves connected.

- Supporting documentation for the costs indicated in the application, such as a vendor or service provider quote, invoice, or similar information.

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[1] USAC assigns a health care provider number for each health care providers site it determines to be eligible for support based on the FCC Form 460 submission and related documentation.

- A timeline for deployment of the proposed service(s) and a summary of the factors the applicant intends to track that can help measure the real impact supported services and devices.

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* Additionally, COVID-19 Telehealth Program applicants will also be required, at the time of submission of their application, to certify, among other things, that they will comply with the Health Insurance Portability and Accountability Act (HIPAA) and other applicable privacy and reimbursement laws and regulations, and applicable medical licensing laws and regulations, as waived or modified in connection with the COVID-19 pandemic, as well as all applicable COVID-19 Telehealth Program requirements and procedures, including the requirement to retain records to demonstrate compliance with the COVID-19 Telehealth Program requirements and procedures for three years following the last date of service, subject to audit.

Instructions for Filing Applications: COVID-19 Telehealth Program applications must reference WC Docket No. 20-89, and must be filed electronically by accessing ECFS, https://www.fcc.gov/ecfs, All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Applicants must also send a courtesy copy of their application via email to EmergencyTelehealthSupport@fcc.gov.

Upon selection, the FCC will provide additional guidance on the implementation of the program, including the process for participants to submit monthly invoices and receive reimbursements for their services and devices. Program participants will be required to maintain records related to their participation for at least three years from the last date of service under the program and present that information upon request.

Questions: For questions for the FCC, please contact (1) Rashann Duvall at (202) 418-1438, Rashann.Duvall@fcc.gov or (2) Hayley Steffen at (202) 418-1586, Hayley.Steffen@fcc.gov.

For more information on COVID-19 Telehealth Program, visit the FCC site here.