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BULLETIN 2020-1 MISSISSIPPI INSURANCE DEPARTMENT

INSURANCE COVERAGE REGARDING THE USE OF TELEMEDICINE DURING THE COVID-19 CRISIS

March 16, 2020

On March 14, 2020, Governor Tate Reeves declared a state of emergency invoking his emergency powers pursuant to Miss. Code Ann. § 33-15-11, and directed state agencies to discharge their emergency responsibilities as deemed necessary. In accordance with the Proclamation and Miss. Code Ann. §§ 33-15-11(b)(9) and 33-15-11(c)(4), there was a delegation of those emergency powers to the Commissioner of Insurance which allows him, in his discretion, to promulgate emergency regulations and guidelines to promote and secure the safety and protection of the citizens of this State.

The state of emergency was declared to address the high risk for an outbreak of the novel coronavirus, identified as COVID-19, in this State. Accordingly, it will be imperative that medical clinics and hospitals have the resources to be able to treat coronavirus victims. Furthermore, persons who do not have coronavirus symptoms but still need non-emergency medical care should avoid areas that could result in their exposure to the coronavirus. To that end, the Mississippi State Board of Medical Licensure ("Board of Medical Licensure") on March 15, 2020, issued a Proclamation to encourage all physicians to utilize telemedicine so as to avoid any unnecessary patient exposure to the coronavirus.

Pursuant to the action taken by the Board of Medical Licensure, the Commissioner of Insurance hereby directs insurers to adopt procedures that will encourage their policyholders to use telemedicine in an effort to reduce the virus' spread. As a result, the following limitations applicable to telemedicine services found in Miss. Code Ann. §83-9-351 (Supp. 2019) are hereby suspended until April 30, 2020:

1. Any limitation on the use of audio-only telephonic consultations.
2. Any requirement by a health insurance or employee benefit plan that limits coverage to health care providers in the plan's telemedicine network. It is intended by the Commissioner that mental health services provided by telemedicine consultation be

covered to the same extent that the services would be covered if they were provided through in-person consultation.

3. Any requirement by a health insurance or employee benefit plan that limits coverage to provider to provider consultations only. It is intended by the Commissioner that telemedicine consultations between a patient and a provider be covered, and that they be covered to the same extent that the services would be covered if they were provided through in-person consultation.

Furthermore, insurers should be aware of the physician licensing requirements that were waived by the Board of Medical Licensure and act accordingly. To the extent necessary, health insurers should provide the appropriate temporary procedure codes to providers to facilitate the proper processing of claims.

The actions taken by Governor Reeves, the Board of Medical Licensure, and this office are intended to protect the citizens of this State and to help limit the duration of this crisis. Therefore, the Commissioner directs insurers to comply with the provisions of this Bulletin immediately and continue thereafter through April 30, 2020, at which time the Commissioner will reassess the situation.

Should you have any questions regarding this Bulletin, please contact Bob Williams, Director of the Life and Health Division, at (601) 359-9375, or at Bob.Williams@mid.ms.gov.

Sincerely,



MIKE CHANEY
COMMISSIONER OF INSURANCE