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Christopher Nicolopoulos
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

Bulletin Docket No.: 20-24-AB

TO: All Health Carriers

FROM: Commissioner Christopher R. Nicolopoulos, Esq. *C.R.N.*

DATE: April 8, 2020

RE: Guidance on the Implementation of Governor Sununu's Emergency Order #8, dated March 18, 2020

The NHID has been asked to provide guidance to carriers and providers in response to Governor Sununu's Emergency Order #8 Pursuant to Executive Order 2020-04 and as extended by Executive Order 2020-05.

Paragraph 2 of Emergency Order #8 allows for providers to perform health care services through all modes of telehealth. This section of the order is consistent with RSA 415-J, the New Hampshire Telemedicine Act. Although several provider types are listed under this section of the order, the Department requires coverage of telemedicine services for all provider types when the services are covered under the health benefit policy and clinically appropriate through telehealth.

Paragraph 4 requires first dollar coverage for services provided through telehealth when treatment is "related to COVID-19." Treatment is related to COVID-19 if there is a COVID-19 diagnosis in any of the diagnosis fields on a claim. If this is the case, then the encounter should not be subject to cost sharing. CMS provided notification on February 18, 2020 indicating that COVID-19 can be identified using ICD-10-CM diagnosis code U07.1.

The requirement of first dollar coverage of telehealth services related to COVID-19 builds on and is in addition to the requirement in the Commissioner's March 10, 2020 Order, paragraph 2., requiring no cost sharing for the COVID-19 test and the health care visit that results in a COVID-19 diagnostic test when the patient meets the CDC COVID-19 testing criteria. This requirement for no cost sharing at the time of testing includes all services during the visit, regardless of the test result.