Government of the District of Columbia
Department of Insurance, Securities and Banking

Karima M. Woods
Commissioner

Commissioner's Order 04-2020

ORDER EXTENDING COVERAGE OF COVID-19 TESTING FOR SYMPTOMATIC AND ASYMPTOMATIC INDIVIDUALS

WHEREAS, Mayor Muriel Bowser declared a Public Emergency and Public Health Emergency pursuant to Mayor's Order 2020-045, dated March 11, 2020, Mayor's Order 2020-046, dated March 11, 2020, Mayor's Order 2020-050, dated March 20, 2020, Mayor's Order 2020-063, dated April 15, 2020, Mayor's Order 2020-066, dated May 13, 2020, Mayor's Order 2020-067, dated May 27, 2020, and Mayor's Order 2020-079, because of the impact of COVID-19 in the District;

WHEREAS, the Commissioner of Department of Insurance, Securities and Banking is delegated the authority vested in the Mayor by section 507(a) of the Act, effective May 27, 2020, D.C. Act 23-326, and section 507(a) of the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328, D.C. Official Code§ 7-2304(b)(15), to waive application of any law administered by DISB to protect the health, safety, and welfare of District residents in response to a public health emergency;

WHEREAS, as the pandemic continues to impact us globally and locally, public officials continue to learn more about SARS-CoV-2, the virus that causes COVID-19, including the range of symptoms reported by individuals diagnosed with COVID-19, the incubation period for the virus, and the risk of transmission asymptomatic individuals pose in our communities;

WHEREAS, in recent months, the transmission of SARS-CoV-2 has been attributed to asymptomatic persons in large events and family gatherings across the US and abroad. These findings underscore the need for clinicians and public health practitioners to work rapidly to identify and diagnose asymptomatic individuals who are actively infected with SARS-CoV-2 and thus have the potential to transmit the virus to others;

WHEREAS, in furtherance of this objective, it is critically important that all District residents and workers covered by a health plan issued in the District have access to COVID-19 testing and that the cost for such testing be covered by their health plans regardless of their symptoms or known exposure to COVID-19. To this end, during the Public Health Emergency, medical necessity encompasses the clinical and public health management in varying degrees of the public at-large. In this regard, while COVID-19 test results for asymptomatic individuals may not ultimately be determinative in clinical and public health management policy decisions, the empirical evidence and data of these results necessarily will substantially and materially inform these decisions; thus, justifying the medically necessity of these tests;

WHEREAS, on August 11, 2020, the District of Columbia Department of Health issued Administrative Order 2020-7, "Order Regarding Criteria for COVID-19 Testing for Symptomatic and Asymptomatic Persons in the District of Columbia" that established testing standards for certain individuals who are at high risk of contracting COVID-19 or who work in high risk settings;

THEREFORE, it is hereby ORDERED that for the duration of the Public Health Emergency in the District, including any extensions, all carriers offering health benefit plans in the District, as defined in D.C. Official Code § 31-3301.01(20), shall cover testing to diagnose COVID-19 for individuals who meet the standards prescribed in District of Columbia Department of Health Administrative Order No. 2020-07 without an order of testing by a physician or other health care provider or cost sharing. Except as provided in this paragraph, insurers may, but are not required to, cover testing for employees who are required by their employers to produce a negative test to return to work after being in a telework posture or after reopening.

This order supplements, and does not supersede, the provisions of Commissioner's Order 01-2020.

Date: August 24, 2020

Karima M. Woods
Commissioner
Department of Insurance, Securities and Banking

For information and resources regarding the District's response to COVID-19, please visit: https://coronavirus.dc.gov/.