OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER EXPANDING ACCESS TO TELEHEALTH SERVICES AND TO PROTECT HEALTH CARE PROVIDERS

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of March 15, 2020, 164 cases of COVID-19 were reported by the Department of Public Health, with 10 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health recommend implementation of community mitigation strategies, including the cancellation of large events;

WHEREAS, the Department of Public Health is urging all residents of the Commonwealth to practice social distancing when outside of their homes; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to regulation of the business of insurance and protection of the interests of the holders of insurance policies and contracts and of beneficiaries thereunder and of the interest of the public in connection therewith;

NOW, THEREFORE, I hereby order the following:

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To protect the Public's health and to mitigate exposure to and the spread of COVID-19, the Group Insurance Commission ("GIC"), all Commercial Health Insurers, Blue Cross and Blue Shield of Massachusetts, Inc., and Health Maintenance Organizations ("Carriers") regulated by the Division of Insurance ("Division"), are hereby required to allow all in-network providers to deliver clinically appropriate, medically necessary covered services to members via telehealth. The GIC and all Carriers may establish reasonable requirements for such telehealth services, in accordance with guidance issued by the Division of Insurance, including with respect to documentation and recordkeeping, but such requirements may not be more restrictive than those established by the MassHealth program through MassHealth All-Provider Bulletin 289. Consistent with All-Provider Bulletin 289, the GIC and all Carriers shall not impose any specific requirements on the technologies used to deliver telehealth services (including any limitations on audio-only or live video technologies).

The GIC and all Carriers shall ensure that rates of payment to in-network providers for services delivered via telehealth are not lower than the rates of payment established by the Carrier for services delivered via traditional (i.e., in-person) methods, and shall notify providers of any instructions necessary to facilitate billing for such telehealth services.

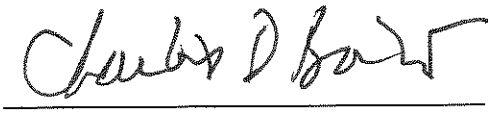
The GIC and all Carriers are hereby required to cover, without any cost-sharing (i.e., copayments, deductibles, or coinsurance), medically necessary treatment delivered via telehealth related to COVID-19 at in-network providers.

The GIC and all Carriers shall not impose prior authorization requirements on medically necessary treatment delivered via telehealth related to COVID-19 at in-network providers.

The Commissioner of Insurance is directed to issue guidance, subject to my approval, to implement the terms of this Order. The Division shall enforce this Order.

This Order is effective March 16, 2020 and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:15 PM this 15th day of March, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts