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State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

20-06

March 18, 2020

FOURTH SUPPLEMENTAL EMERGENCY DECLARATION -
EXPANDING ACCESS TO TELEMEDICINE SERVICES

This Emergency Declaration supplements Executive Order 20-02 issued March 9, 2020.

WHEREAS, on March 9, 2020, I declared a state of emergency due to the dangers to health and life posed by COVID-19;

WHEREAS, the number of presumptive and confirmed cases of COVID-19 continues to rise in Rhode Island as well as in our neighboring states;

WHEREAS, on March 13, 2020, the Rhode Island Office of the Health Insurance Commissioner (OHIC) and Medicaid notified health insurers issuing policies in Rhode Island that they must take timely measures to ensure access and continuity of healthcare services, including the expansion of telemedicine services;

WHEREAS, as of March 16, 2020, the Department of Health confirmed the community transmission of COVID-19 in Rhode Island, a development that significantly increases the likelihood of widespread transmission in the state;

WHEREAS, low-cost telephone and other internet-based audio-only and live video technologies are widely available and accessible to health care providers and patients. These

technologies can enable the provision of health care services, including behavioral health care services, in a manner that will limit the transmission of COVID-19 to health care providers and patients while providing clinically appropriate, medically necessary health care services to those quarantined or practicing social distancing;

WHEREAS, insurance carriers do not always fully reimburse health care providers for telemedicine services;

WHEREAS, insurance carriers do not always provide coverage for the full range of telemedicine services;

WHEREAS, access to telemedicine services is particularly important during the COVID-19 outbreak so that health care professionals can continue to treat patients while in quarantine or to limit exposure as a preventive measure; and

WHEREAS, in order to protect public health and mitigate exposure to and the spread of COVID-19, it is essential to facilitate the delivery of telemedicine services as a convenient, easily accessible, and affordable option to both health care providers and patients.

WHEREAS, recent Medicare program guidance has been issued by the federal government to remove barriers to telemedicine/telehealth services during this crisis, and reasonable consistency among insurance plans is necessary to ensure health service access and continuity of care for patients and providers.

NOW THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, do hereby order and direct the following:

1. The patient location requirement for telemedicine contained in Rhode Island General Laws § 27-81-3(9) is hereby suspended. Patients may receive telemedicine services at any location.

2. The prohibition against audio-only telephone conversation and the limitations on video conferencing contained in Rhode Island General Laws § 27-81-3(12) are hereby suspended to expand the availability of telemedicine.

3. Rhode Island General Laws § 27-81-4(b) is hereby suspended to the extent that it allows agreements between health care providers and insurance carriers that limit either the scope of covered telemedicine services or the reimbursement of those services. All such clinically appropriate, medically necessary telemedicine services delivered by in-network providers shall be reimbursed at rates not lower than services delivered through traditional (in-person) methods.

4. Insurance carriers shall establish reasonable requirements for the coverage of such telemedicine services, in accordance with guidance issued by OHIC, including with respect to documentation and recordkeeping, but may not impose any requirements more restrictive than those contained in *The Rhode Island Office of Health Insurance Commissioner and Medicaid Program Instructions During the COVID-19 State of Emergency* issued March 13, 2020 and the Telehealth Benefits for Medicare beneficiaries. No insurance carrier shall impose any specific requirements on the technologies used to deliver telemedicine services (including any limitations on audio-only or live video technologies).

5. OHIC is hereby directed to issue guidance on the implementation of this Order.

This Order shall take effect on Wednesday, March 18, 2020 and shall remain in full force and effect until Monday, April 17, 2020, unless renewed, modified or terminated by subsequent Executive Order.

So Ordered:

Gina M. Raimondo
Governor