

## FCC ESTABLISHES NEW COVID-19 TELEHEALTH PROGRAM

The Federal Communications Commission (FCC) has issued a new emergency program - the COVID-19 Telehealth Program (Program) - to provide eligible health care providers with funding of up to \$1 million to maximize the provision of connected care services (e.g., telehealth) during the pandemic. Following is a brief overview of the Program and its requirements.

### **COVID-19 Telehealth Program Overview**

Program Eligibility. Program eligibility is limited to certain nonprofit and public eligible health care providers. This includes:

- post-secondary educational institutions offering health care instruction, teaching hospitals, and medical schools;
- community health centers or health centers providing health care to migrants;
- local health departments or agencies;
- community mental health centers;
- not-for-profit hospitals;
- rural health clinics;
- skilled nursing facilities; and
- consortia of health care providers consisting of one or more entities falling into the first seven categories.

Eligible health care providers must be determined to be eligible by the Universal Service Administrative Company (USAC). This is done by submitting a FCC Form 460, which can be accessed through the FCC web site at: <http://www.fcc.gov/licensing-databases/forms> (each separate site or location of a health care provider is considered an individual health care provider site for eligibility determination purposes). Interested health care providers can submit an application, as described below, while their eligibility forms are being evaluated.

**Application Timeline.** As soon as the Office of Management and Budget (OMB) approves Program information collection requirements, applications will begin to be accepted. Funding awards will be granted on a rolling basis until the funding is exhausted or the pandemic has ended.

### **Application Content.**

- The FCC does not have a specific application but has mandated application content, which includes, among other things, a description of how patients will benefit from the applicant's use of telehealth services. A description of the application requirements can be found in the FCC Rule and Order (R&O) at the link included below.
- It is notable that the FCC recognizes that some providers may have been under pre-existing strain (e.g., large underserved or low-income population, health care provider shortages, limited broadband access and/or Internet adoption), and encourages applicants to document such factors in their applications.
- While providers may use the Program to treat patients diagnosed with COVID-19, the Program is not limited to treating those types of patients as long as Program funds are used "to prevent, prepare for, and respond to coronavirus."
- The FCC will also consider, as part of an application, a showing that telemedicine directly aids in the prevention of pandemic spread by facilitating social distancing and similar measures in the community.
- Applicants will be required to certify that, among other things, they comply with (i) HIPAA and other applicable privacy and reimbursement laws and regulations; (ii) applicable medical licensing laws and regulations; and (iii) applicable Program requirements and procedures.

For more information, the R&O may be accessed at: <https://www.fcc.gov/document/fcc-fights-covid-19-200m-adopts-long-term-connected-care-study>.



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As this pandemic unfolds, recommendations and requirements are being updated and changing at a rapid pace. If you need any assistance in understanding or addressing these issues, please contact the [Garfunkel Wild attorney](#) with whom you regularly work, or contact us at [info@garfunkelwild.com](mailto:info@garfunkelwild.com).

Make sure to check [Garfunkel Wild's event page](#) for all upcoming webinars that may address your present concerns.

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