# COVID-19 Regulatory Update

## Akin Gump

### Primer on Connected Care Pilot

April 17, 2020

#### Background

This Primer on the Connected Care Pilot Program (CC Pilot) describes eligibility for the program, how the funds can be spent, how the government will distribute the funds and the application process. The CC Pilot is a long-term Universal Service program that will make up to \$100 million available over a three-year period to support selected "pilot projects" that will use telehealth to treat specific populations, conditions or geographic areas, with a focus on serving low-income Americans and veterans. The goal of the CC Pilot will be to collect data to help the FCC understand how Universal Service funds can support health care provider and patient use of connected care services by reducing health care costs for patients, facilities and health care systems.

Selected participants will receive a subsidy amounting to 85 percent of their eligible costs to purchase broadband connectivity, network equipment and information services necessary to provide connected care services to the intended patient population. There will be no limit on the number of proposals selected for the CC Pilot, and no cap on the amount of support awarded per project. The FCC has not yet announced when it will begin accepting applications for the CC Pilot, but has set an application deadline of July 31, 2020.

#### Who is Eligible to Receive Funding?

The CC Pilot is open to the following types of eligible health care providers, regardless of their geographic location:

- Post-secondary educational institutions offer 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

#### **Contact Information**

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vhiner@akingump.com Washington, D.C. +1 202.887.4424  Consortia of health care providers consisting of one or more of the above types of entities.

To participate in the CC Pilot, eligible health care providers must design a pilot project and submit an application to the Commission describing their proposal and how it will use connected care services to serve the health care needs of participating patients. Successful applicants will be able to demonstrate that they "have a viable strategic plan for delivering innovative connected care services directly to patients while leveraging existing resources or telehealth programs within their state or region." The Commission will give greater consideration to proposals that would treat "a significant number of low-income or veteran patients in a given state or region," and to those that are primarily focused on treating the following types of conditions:

- Public health epidemics
- Mental health conditions
- High-risk pregnancies
- Chronic or recurring conditions that typically require several months to treat, such as diabetes, cancer, kidney disease, heart disease and stroke recovery.

Additionally, there will be a strong preference for health care providers that either (1) have experience with providing telehealth or connected care services to patients (e.g., remote patient monitoring, store-and-forward imaging or video conferencing) beyond using electronic health records, or (2) a partnership with another health care provider, government agency or designated telehealth resource center with such experience that will work with the health care provider to implement its proposed pilot project.

#### What Types of Costs Will the Program Cover?

Selected pilot projects will receive a subsidy in the form of an 85 percent discount on purchases of eligible services and equipment, including the following:

- Fixed or mobile broadband Internet access for participating patients who do not already have broadband Internet access or lack sufficient access to participate in the program. The FCC has determined that it is appropriate for participating health care providers to fund the "whole patient broadband connection" as long as it is used primarily for activities that are "integral, immediate, and proximate to the provision of connected care services."
- Health care provider broadband data connections.
- Other connected care information services, including those that facilitate the capturing, transmission and storage of data for connected care (such as video conferencing services).
- Certain network equipment, such as routers and servers, "necessary to make a supported service functional," and for consortium applicants to fund network equipment necessary to manage, control or maintain a supported broadband service.

CC Pilot funds may not be used to cover end user devices, medical equipment, administrative expenses or other miscellaneous expenses.

#### How Will Funding be Distributed?

Once selected, participating health care providers will be required to conduct a procurement process to solicit and select eligible services and/or equipment through a competitive bidding process. No later than six months after being selected to participate in the CC Pilot, participants must submit a request for funding to USAC with specific pricing and service information for the funding they are requesting through the CC Pilot. After providing the eligible services and/or equipment, service providers, in conjunction with participating health care providers, will be required to submit invoicing forms on a monthly basis with supporting documentation to USAC to receive reimbursement. USAC will review the monthly invoicing forms and supporting documentation and issue disbursements directly to the applicable service provider or vendor.

#### **Application Process**

The FCC has not yet announced when it will begin accepting applications for the CC Pilot, but has stated that applications will be due on July 31, 2020. Once the application window opens, interested health care providers may apply by submitting a "Connected Care CC Pilot Application" (to be provided by the Commission at a later date) electronically using the Commission's Electronic Comment Filing System (ECFS – https://www.fcc.gov/ecfs/) under WC Docket No. 18-213. Prospective participants must provide a number of details in their applications including, but not limited to, the following:

- Description of each participating health care provider's previous experience with providing telehealth services, or the experience and name of a partnering health care provider or organization
- Description of the applicant's plan for implementing and operating the pilot project, including how the pilot project intends to recruit patients, estimated amount of rampup time necessary for the pilot project (not to exceed six months), plans to obtain any necessary end user devices and medical devices for the connected care services that the pilot project will provide, and the extent to which the pilot project can be self-sustaining once established.
- Description of the connected care services the proposed pilot project will provide, the conditions to be treated, the health care provider's experience with treating those conditions, the goals and objectives of the proposed pilot project (including the health care provider's anticipated goals with respect to reaching new or additional patients, and improved patient outcomes), and expected health care benefits to the patients, health care provider, or the health care industry that will result from the proposed pilot project.
- Description of the estimated number of patient broadband connections that the health care provider intends to purchase for purposes of providing connected care services to patients who lack broadband service or have insufficient broadband service. This description must include an explanation of how the health care provider plans to assess whether a patient lacks broadband Internet service or has insufficient broadband Internet access service for the indicated connected care service based on speed, technology or data cap limitations.
- If seeking support for an information service used to provide connected care, other than broadband connectivity, a description of the service, including a description of the primary function(s) of the service and whether it facilitates the capturing, transmission and storage of data for connected care.

- Estimated total project costs, including costs eligible for support through the CC Pilot and costs that are not eligible for support but still necessary to implement the proposed pilot project. This entry must include the total estimated eligible funding (85 percent) to be requested from the CC Pilot per year over the three-year funding period.
- Description of the metrics for the proposed pilot project that are relevant to the CC Pilot's goals and how participating providers will collect those metrics. Examples of the types of metrics the Commission is interested in include: reductions in potential emergency room or urgent care visits; decreases in hospital admissions or readmissions; condition-specific outcomes, such as reductions in premature births or acute incidents among sufferers of a chronic illness; and patient satisfaction with their overall health status.

As noted above, there will be no limit on the number of pilot projects selected for the program or the amount of support requested per project. Once the Commission has reviewed the applications and made its selections, it will announce further information about the requirements for the CC Pilot, including more details about the processes for requesting funding, invoicing, data reporting and program safeguards.

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