

COVID-19 Regulatory Update

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Primer on COVID-19 Telehealth Program

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Background

Funding initiatives to advance telehealth or connected care initiatives have been moving quickly through Congress and the Federal Communications Commission (“FCC”). The application process for the COVID-19 Telehealth Program (“Telehealth Program”) opened this week. This primer provides the basics on who is eligible for the funding, the types of costs the program covers, how the funding will be distributed and the application process.

The Telehealth Program will distribute \$200 million in emergency funding directly to health care providers to facilitate the expansion of telehealth services during the COVID-19 pandemic. Participating health care providers will receive full funding for telecommunications services, information services and devices necessary to enable the provision of telehealth services while the COVID-19 pandemic is ongoing.

Applicants that purchased eligible equipment or services in response to the COVID-19 pandemic on or after March 13, 2020 may seek Telehealth Program funds to retroactively cover those expenses. Telehealth Program funds may also be used to cover the costs of services that require monthly recurring charges, such as broadband connectivity or remote patient monitoring devices, through September 30, 2020. The FCC anticipates awarding no more than \$1 million per applicant, but participating health care providers may request additional support if needed once they exhaust their initial awards.

The FCC began accepting applications this week, on Monday, April 13. Interested health care providers may apply online through the [FCC’s application portal](#) after completing a series of steps, which are described in further detail below. To assist applicants, the FCC has provided a helpful webinar with step-by-step instructions for completing the application process, which is [available for viewing online](#). Applications for funding will be accepted on a rolling basis with no deadline, and support will be awarded until available funding has been exhausted or the COVID-19 pandemic ends.

Who is Eligible to Receive Funding?

The Telehealth Program will be open to the following types of health care providers, regardless of their geographic location:

Contact Information

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- 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.
- Consortia of health care providers consisting of one or more of the above types of entities.

The FCC is encouraging participants to focus requests for funding on “high-risk and vulnerable patients to the extent practicable.” Applicants must demonstrate that the funds are needed to “prevent, prepare for, and respond to coronavirus,” which is not limited to treating patients with COVID-19 and could include, for example, using telehealth to:

- Aid in the prevention of pandemic spread by facilitating social distancing and similar measures in the community.
- Treat patients with non-coronavirus-related health conditions in order to free up physical space, equipment and other resources.
- Treat patients with health conditions that make them particularly vulnerable to contracting the coronavirus during in-person visits.

What Types of Costs Will the Telehealth Program Cover?

The Telehealth Program will provide participants with full funding to purchase the following types of services and equipment:

- I. **Telecommunications services and broadband connectivity services**, including voice services and Internet connectivity services for health care providers or their patients.
- II. **Information services**, including remote patient monitoring platforms and services, patient reported outcome platforms (i.e., services that allow patients to report their health data electronically to their health care providers), store and forward services (such as asynchronous transfer of patient images and data for interpretation by a physician) and platforms and services to provide synchronous video consultation.
- III. **Internet connected devices or equipment**, such as tablets, smart phones, connected devices that allow patients to receive medical care at home (e.g., broadband-enabled blood pressure monitors or pulse-ox) for patient or health care provider use, and telemedicine kiosks/carts for health care provider sites.

As noted above, participants that purchased eligible equipment or services in response to the COVID-19 pandemic on or after March 13, 2020 may use Telehealth Program funds to retroactively cover those expenses. Telehealth Program funds may

also be used to pay for services with monthly recurring charges, such as broadband connectivity or remote patient monitoring devices, through September 30, 2020.

To give participants maximum flexibility to respond to changing circumstances during the COVID-19 pandemic, participants will be permitted to use their Telehealth Program funds to purchase *any* eligible services or equipment, not just those initially identified in their applications.

How Will Funding be Distributed?

The FCC will award support based on the estimated cost of the supported services and connected devices the applicant intends to purchase, as described in their application. To ensure that Telehealth Program funds are distributed fairly, the Commission does not intend to award more than \$1 million in support to any single applicant. Once an applicant is approved to participate in the Telehealth Program, Telehealth Program funds will be distributed directly to them through reimbursements. Applicants will submit invoicing forms and supporting documentation to the FCC each month. Once a participant has exhausted their initially-awarded funding, they may request additional support.

Due to the urgent nature of the Telehealth Program, participants will not be required to conduct a competitive bidding process to solicit and select eligible services or devices, or otherwise comply with the competitive bidding requirements that apply to the Commission's Rural Health Care Program and broader Connected Care Pilot Program. However, the Commission strongly encourages participants to "purchase cost-effective eligible services and devices to the extent practicable." Participants will also not be subject to the FCC's gift rules, and may receive gifts or things of value from service providers such as devices, equipment, and free upgrades, or other items.

Application Process

The FCC's Wireline Competition Bureau began accepting applications for the Telehealth Program this week, on April 13, 2020. Participants will be selected on a rolling basis until the COVID-19 pandemic ends or available funding is exhausted. Applications for the Telehealth Program may be filed through a dedicated application portal on the FCC's [COVID-19 Telehealth Program Page](#), and copies of the applications will be uploaded to the Commission's Electronic Comment Filing System ("ECFS") at a later date.

Steps to take before applying. Interested health care providers will be required to complete the following three steps before they are eligible to submit an application via the FCC's online portal:

- I. **Obtain an eligibility determination from the Universal Service Administrative Company ("USAC") for each health care provider site included in the application.** Health care provider sites that USAC has already deemed eligible to participate in the FCC's existing Rural Health Care ("RHC") Programs may rely on their prior eligibility determinations for the Telehealth Program. Interested health care providers that do not already have an eligibility determination may obtain one by [filing an FCC Form 460](#) (Eligibility and Registration Form) with USAC. Given the urgent nature of the Telehealth Program, applicants will be permitted to submit

their applications to the Telehealth Program while their eligibility determinations are still pending.

- II. **Obtain an FCC Registration Number ("FRN").** In order to apply to the Telehealth Program via the FCC's online portal, applicants must register for an FRN in the **Commission Registration System ("CORES")**. A CORES registration will also be required for the individual certifying the application. Additionally, for consortium applicants, an FRN will be required for each health care provider in the consortium.
- III. **Register with the System for Award Management ("SAM").** In order to receive funds through the Telehealth Program, applicants must register with SAM, a governmentwide database that is used to coordinate federal grants. Applicants that have already registered with SAM do not need to re-register to apply for the Telehealth Program. Applicants that have not yet registered with SAM may do so by visiting <https://www.sam.gov/SAM/>. **Unregistered health care providers are strongly encouraged to start the SAM registration process as soon as possible, as it can take up to 10 business days for registration to become active, and an additional 24 hours before that registration information is available in other government systems.** Applicants whose funding requests are approved will not be able to access Telehealth Program funds until their SAM registration has been processed.

Completing the application process. Applications for the Telehealth Program may be filed through the FCC's online application portal, available [here](#). In order to submit an application through the portal, applicants must log in with their CORES account information and complete an online application form by providing the information listed below. Once submitted, applicants may check the status of their applications and check for requests for additional information by logging into the system through the online portal. To assist applicants, the Bureau has released a [video webinar presentation](#) with step-by-step instructions for completing the application process.

- Background information about the applicant, including its FRN, National Provider Identifier ("NPI"), Federal Employer Identification Number ("EIN" or tax ID), Data Universal Number System Number ("DUNS"), business type and DATA Act service area.
- Contact information for the individual responsible for the application, including their position title, phone number, mailing address and email address.
- Health care provider information, including the lead health care provider's name (if part of a consortium), facility name, type of facility, address, FRN, health care provider number, eligibility type, NPI, total patient population and estimated number of patients to be served by the funding request (with supporting documentation).
- A list of the medical services to be provided, such as patient-based internet-connected remote monitoring or other monitoring, video consults, voice consults, imaging or other diagnostics, remote treatment or other services.
- Information about the conditions to be treated with Telehealth Program funding, including whether the applicant will be treating COVID-19 patients directly or treating other types of patients without COVID-19 symptoms. If the latter, the

applicant must explain how using the requested funding to treat patients without COVID-19 will free up resources that will be used to treat COVID-19.

- Additional information regarding the requested services and devices, including:
 - The applicant's goals and objectives for using the requested Telehealth Program funding.
 - Timeline for deployment of the proposed service(s) or devices to be purchased with the requested funding.
 - Factors or metrics the applicant will use to help measure the impact of the services and devices funded through the Telehealth Program.
 - How COVID-19 has affected health care providers in the applicant's area.
 - Additional information about the geographic area and population served by the applicant. The applicant will be asked to indicate whether the geographic area it serves has been under pre-existing strain (i.e., due to large underserved or low-income patient population, health care provider shortages, rural hospital closures, limited broadband access, etc.), and if so, to describe those factors.
 - Whether the applicant plans to target the requested funding to high-risk and vulnerable patients, and if so, how it plans to do so.
- Information about the funding the applicant is requesting, including the total amount needed and whether the funds will be used to purchase devices. If the applicant plans to use the funds to purchase devices, it must explain how the devices are integral to patient care and who will be using them.
- Supporting documentation for the costs indicated in the application, including a summary of the expected costs for the eligible services and devices requested. This may include documentation such as an invoice or quote from a vendor or service provider, and should be specific enough to identify line-items to facilitate swift review of the application. Applicants are encouraged to include information such as a description of the service or device, its eligibility category, the quantity ordered, the upfront and monthly expenses and the service dates for recurring services.

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