



March 19, 2020

Commissioner David Altmaier
Florida Office of Insurance Regulation
200 E. Gaines Street
Tallahassee, FL 32399

Dear Commissioner Altmaier:

On behalf of the more than 25,000 members of the Florida Medical Association, I urgently request that, pursuant to your powers under section 252.63 of the Florida Statutes, you enter an order applicable to all health insurance companies subject to the Florida Insurance Code requiring these companies to:

- Allow all in-network providers to deliver clinically appropriate, medically necessary covered services to members via telehealth, regardless of whether the telehealth service is related to the diagnosis and treatment of health conditions related to COVID-19.
- Allow the use of any non-public facing remote communication product that is available to communicate with patients.
- 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 insurer for services delivered via in-person methods.
- Notify providers of any instructions necessary to facilitate billing for such telehealth services.

Such action is within your power given the declaration of a state of emergency by Governor DeSantis pursuant to Executive Order 20-52, and is urgently needed to ensure that all Floridians – particularly those at high-risk of complications from the virus that causes the disease COVID-19 – have access to benefits that can keep them healthy while helping to contain the community spread of this virus.

The federal government has already taken such action by broadening access to Medicare telehealth services so that beneficiaries can receive a wider range of services from their doctors without having to travel to a health care facility. The Centers for Medicare and Medicaid Services has explicitly acknowledged that the spread of the virus that causes COVID-19 has created an urgency to expand the use of technology to help people who need routine care, and keep vulnerable individuals as well as those with mild symptoms in their homes while maintaining access to the care they need.

Other states have taken similar action. The Governor of Massachusetts entered an executive order on March 16th requiring that “all commercial insurers and the Group Insurance Commission . . . cover all medically necessary telehealth services in the same manner and to pay the same rates as in-person services.”

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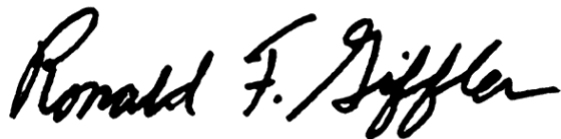
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This action is needed in Florida given the uneven response of the health insurance companies doing business in this state. Florida Blue has indicated that for their commercial insurance plans, including Affordable Care Act plans, “primary care providers, behavioral health providers and specialists can bill for virtual visits if they have telemedicine capabilities and want to consult with their patients virtually.” United Healthcare, however, apparently is only removing the originating site requirement for telehealth services for members whose benefit plans cover telehealth services. We have yet to hear from any other insurers regarding their policies, or any changes thereto, regarding telehealth services for their insureds.

Uniformity is desperately needed so that all health care providers can comfortably provide telehealth services during the existence of the state of emergency without patients having to worry about their insurer denying coverage for such care. Governor DeSantis has made it clear that it is essential that the state do everything it can to limit face-to-face contact with others as much as possible. We ask that you require the health insurance companies doing business in this state to do their part to help contain the spread of this acute public health danger and issue an order to the effect requested above.

Sincerely,

A handwritten signature in black ink that reads "Ronald F. Giffler". The signature is written in a cursive, flowing style.

Ronald F. Giffler, MD
President, Florida Medical Association

cc: Honorable Ron DeSantis, Governor
Honorable Jimmy Patronis, Chief Financial Officer
Scott Rivkees, M.D., Surgeon General
Ms. Mary Mayhew, Secretary, Agency for Healthcare Administration

Governor Ron DeSantis
Florida Capitol
400 S. Monroe Street
Tallahassee, FL 32399

Jimmy Patronis, Chief Financial Officer
Florida Department of Financial Services
200 E. Gaines Street
Tallahassee, FL 32399-0301

Scott Rivkees, State Surgeon General
Florida Department of Health
4052 Bald Cypress Way
Tallahassee, FL 32399

Mary Mayhew, Secretary
Agency for Health Care Administration
2727 Mahan Drive
Tallahassee, FL 32308



April 1, 2020

Commissioner David Altmaier
Florida Office of Insurance Regulation
200 E. Gaines Street
Tallahassee, FL 32399

Dear Commissioner Altmaier:

While you have yet to respond to our letter dated March 19, 2020, the federal government has continued to implement changes to the Medicare program to expand telehealth services. In order to protect patients and health care workers from the coronavirus, the Centers for Medicare and Medicaid Services on Monday issued new rules that will allow for more than 80 additional services to be provided via telehealth. In addition, health care providers will be able to evaluate Medicare patients who do not have access to interactive apps with audio and video capabilities, but who do have audio only phone access.

The new rules allow for emergency department visits, initial nursing facility and discharge visits, home visits, and therapy services. New as well as established patients now may stay at home and have a telehealth visit with their provider – not just a random provider assigned to them through a “teledoc” service established by their health insurance company.

Clinicians will be able to provide remote patient monitoring services to patients with acute and chronic conditions, and these remote services can be provided for patients with only one disease.

As noted by CMS, “these temporary changes will ensure that patients have access to physicians and other providers while remaining safely at home.”

We are asking you to provide the patients in Florida who have health insurance regulated by your department with the same protections the federal government has extended to Medicare patients. While some health insurers in Florida, notably Florida Blue, have extended significant telehealth benefits, there is major confusion regarding telehealth coverage among the numerous health insurers in Florida.

We are asking you to clear up this confusion by issuing an order requiring all health insurers in Florida to provide telehealth coverage consistent with the coverage afforded by CMS through the Medicare program.

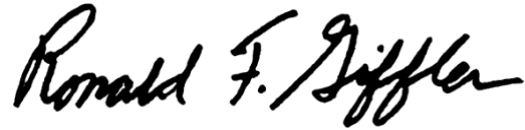
The FMA is doing all we can to promote telehealth use by our physician members, and thus limit unnecessary face-to-face contact to the greatest extent possible. We ask your help in providing our members with the tools they need to so safely and economically.

Sincerely,

Commissioner David Altmaier

April 1, 2020

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April 7, 2020

Commissioner David Altmaier
Florida Office of Insurance Regulation
200 E. Gaines Street
Tallahassee, FL 32399

Dear Commissioner Altmaier:

The Florida Medical Association, in a letter dated March 19, 2020, requested assistance from your office in ensuring that all health insurance companies in Florida cover telehealth visits in a uniform manner. In a follow-up letter dated April 1, 2020, the FMA reiterated this request in light of the new rules issued by the Centers for Medicare and Medicaid Services that significantly expand telehealth services in the Medicare program, most notably the expansion of coverage for audio only phone conferences.

To date, we have not received a response from you to either letter.

We do note, however, that on April 6, 2020 you issued Informational Memorandum OIR-20-06M – Telehealth and Pharmacy Audit Guidance for Response to COVID-19. In your Order you state that “OIR believes innovative use of technology can combat spread of COVID-19 by allowing Floridians to remain in their homes without losing access to critical care.”

Despite this acknowledgement, which aligns perfectly with the FMA request for action, you declined to use your authority to protect the health and safety of the patients and health care providers in this state by requiring uniform coverage of telehealth services during the declared state of emergency. Instead, your “informational memorandum” merely *encourages* the health insurers under your regulation to broaden access to care for telehealth services.

Times of crisis require bold leadership. Governor DeSantis has acted decisively to ensure that personal protective equipment is available to those health care providers on the front lines of patient treatment by prohibiting non-urgent surgeries or procedures. This action has had a significant effect on physician practices, yet it was the right thing to do.

The FMA urgently requests that you take similar action and issue an order requiring all health insurers in Florida to provide telehealth coverage consistent with the coverage afforded by CMS through the Medicare program. Such coverage should allow patients to access telehealth services from their own physicians and should include audio only interactions.

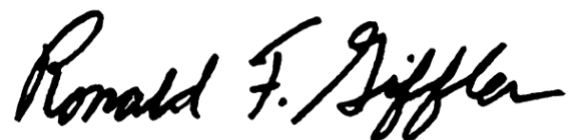
Commissioner David Altmaier

April 7, 2020

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While there may be entities that are not happy with such an order, it is the right thing to do at a time when it is needed most. We look forward to your immediate response and remain available to assist you in any way we can.

Sincerely,

A handwritten signature in black ink that reads "Ronald F. Giffler". The signature is written in a cursive style with a large, prominent "R" and "G".

Ronald F. Giffler, MD

President, Florida Medical Association

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April 9, 2020

Commissioner David Altmaier
Florida Office of Insurance Regulation
200 E. Gaines Street
Tallahassee, FL 32399

Dear Commissioner Altmaier:

While Florida battles the coronavirus during Governor DeSantis' declared state of emergency, it is imperative that physicians be able to focus their time and resources on curtailing the pandemic. The numerous and varying health insurance company "prior authorization" requirements, however, artificially impose delays on access to care and result in negative impacts on clinical outcomes.

While we appreciate the fact that several insurance companies in Florida have waived prior authorization requirements for COVID-19 tests and related treatment, prior authorization requirements remain in place for many other types of treatment, creating administrative delays in obtaining care that could keep patients out of hospital emergency rooms during a time when we should be doing everything we can to keep hospitals beds available for the expected surge in COVID-19 patients.

Cancer patients, especially the elderly, should not have to navigate the onerous prior authorization process to receive the optimal therapies that their oncologists have prescribed as treatment necessary to combat their cancer and keep them out of the hospital.

There is no reason for patients to wait anywhere from four days to two weeks in a hospital for prior authorization to be discharged into a skilled nursing facility. This needless delay results in patients occupying hospital beds that could be used to treat patients who desperately need hospital-based care.

Prior authorizations that have been issued, based on a procedure being performed at a certain location, should carry over when the procedure has to be moved to a different location because of the disruptions caused by the coronavirus pandemic. Similarly, for procedures that have been approved by a health insurer but must be postponed pursuant to Executive Order 20-72, or for other COVID-19 reasons, the authorization should be extended for at least six months. We note that Secretary Mayhew has done exactly that in her 2020-18 policy transmittal.

Based on the foregoing, the Florida Medical Association respectfully requests that you immediately issue an order requiring all health insurers in Florida to:

Commissioner David Altmaier

April 9, 2020

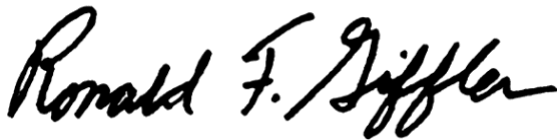
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- Waive all prior authorization requirements for all procedures, treatments and medications during the state of emergency issued pursuant to Executive Order 20-52, and for at least 90 days thereafter;
- Honor existing authorizations for procedures and treatments that have to be moved to a different location, or performed in a manner that differs from what was specifically authorized, during the state of emergency; and
- Extend all prior authorizations for procedures postponed due to Executive Order 20-72 for a period of at least 6 months.

This action is consistent with the flexibility afforded by CMS to the Medicaid program under the section 1135 waivers, and is needed to provide the vulnerable residents of this state access to medical care without delay.

We look forward to your immediate response and remain available to assist you in any way we can.

Sincerely,

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