



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.”

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,

Ronald Giffler M.D

cc Governor Ron Desantis