

COVID-19 RELATED CHANGES

UHC is providing the following information based on what we know as of [1/11/2023](#) . Information continues to evolve, often daily, and therefore is subject to change.

Changes to Benefit Application

Source	Provision	Effective Date	Through Last Date of Service
NY Emergency Regulation	Patient cost share waiver for In-Network (INN) COVID-19 testing and office visits (including telehealth), urgent care and emergency room visits with COVID-19 testing or referral for testing.	3/13/20	3/6/2023
Federal law- (Families First Coronavirus Recovery Act- FFCRA)	Patient cost share waiver for INN or Out-of-Network (OON) services for COVID-19 testing and testing related visits at physician offices (including telehealth visits), urgent care centers and emergency rooms. Includes visits to determine if a test is needed, whether/or not the test is ordered. Includes both diagnostic and antibody tests.	1/31/20	Until the end of Federal Public Health Emergency (PHE) (Currently 4/10/2023)
Federal law (Coronavirus Aid, Relief, and Economic Security Act- CARES Act)	OON COVID-19 tests must be paid at a minimum up to the cost listing on the provider's web site. Expanded no patient cost share to any COVID-19 Preventive service, item or immunization approved by United States Preventive Services Task Force (USPSTF), including vaccines.	1/31/20	Until the End of Federal (PHE) (currently 4/10/2023)

Source	Provision	Effective Date	Through Last Date of Service
Federal HHS Declaration	<p>Authorizes any state licensed pharmacists to order and administer COVID testing, and pharmacist interns to administer COVID testing. (supersedes NY law under the federal Public Readiness and Emergency Preparedness Act (PREP Act)). Also permits them to perform any ACA preventive pediatric immunization.</p> <p>Amended 10/20 to add pharmacy technicians to administer COVID testing</p> <p>Amended 12/9/20 to allow any of the above to administer any ACA preventive pediatric immunization and/or COVID Immunization</p> <p>Amended 9/13/21 to allow any state licensed pharmacists to order and administer COVID therapeutic medicines, and pharmacist interns, to administer COVID therapeutic medicines to COVID positive persons under FDA guidelines specific to the medication.</p>	<p>8/24/20</p> <p>10/20/20</p> <p>12/9/20</p> <p>9/13/2021</p>	<p>Until the End of Federal (PHE) (currently 4/10/2023)</p> <p>Same as above</p> <p>Same as above</p> <p>Same as above</p>

Source	Provision	Effective Date	Through Last Date of Service
<p>Federal Guidance (clarifies CARES Act requirement)</p> <p>NY DFS Regulation</p>	<ul style="list-style-type: none"> • When any COVID-19 vaccine is recommended by the CDC’s Advisory Committee on Immunization Practices (ACIP) there will be no member cost share for INN or OON administration during the PHE. The Government will supply the vaccine at no cost to providers. • When/if the ACIP recommends the vaccine on its preventive list, there will be no cost share for INN even after the PHE. • After the PHE, the cost of vaccines may be charged by the provider but will have no member cost share if ACIP recommended as a preventive service. • For Medicare prime members, there will be no balance for Empire secondary to have to consider since Medicare will pay in full. • NY Regulation additionally specified Office Visits to obtain the vaccination should not have cost share (INN or OON) • <u>Federal guidance issued 3/18/2021</u>, also clarified that any necessary visit to obtain the vaccination should be covered without cost share. (INN or OON) 	12/13/20	<p>INN -will remain in effect as long as ACIP re- commends like other preventive services</p> <p>OON - Until the later of :</p> <ol style="list-style-type: none"> 1. the end of Federal (PHE) (currently 4/10/2023) , or 2. the end of the NY State of Emergency, (This DFS regulation was extended through 3/6/2023)

Source	Provision	Effective Date	Through Last Date of Service
Federal HHS Declaration	Authorizes out-of-state healthcare personnel to deliver telehealth services to in-state patients for COVID 19 related services. This preempts NYS Licensure laws.	12/9/20	Until the End of Federal (PHE) (currently 4/10/2023)
Federal HHS Declaration	National Guard health and medical personnel are authorized to administer COVID vaccines to the general public. This supersedes NY licensure requirements under the federal PREP Act.	12/18/20	Until the End of Federal (PHE) (currently 4/10/2023)
Federal HHS Declaration	<ul style="list-style-type: none"> • Authorizes any healthcare provider who is licensed or certified in a state to prescribe, dispense, and/or administer COVID-19 vaccines in any other state or U.S. territory; • Authorizes any physician, registered nurse, or practical nurse whose license or certification expired within the past five years to prescribe, dispense and/or administer COVID-19 vaccines in any state or U.S. territory so long as the license or certification was active and in good standing prior to the date it went inactive and requires an on-site observation period by a currently practicing healthcare professional. <p>This supersedes NY licensure requirements under the federal PREP Act.</p>	1/28/2021	Until the End of Federal (PHE) (currently 4/10/2023)
NYS Law	Grants public employees up to four hours of paid leave for each dose of a COVID-19 vaccination	3/12/2021	12/31/2022

Source	Provision	Effective Date	Through Last Date of Service
<u>Federal HHS Declaration</u>	<p>HHS expanded the personnel who are authorized to prescribe, dispense, and administer COVID-19 vaccines to include those licensed or certified in any state as dentists, midwives, optometrists, paramedics*, physician assistants, podiatrists, respiratory therapists and veterinarians.</p> <p>This supersedes NY licensure requirements under the federal PREP Act.</p> <p>*Includes Advanced and Intermediate level EMT's but not basic life support level ones.</p>	3/11/2021	Until the End of Federal (PHE) (currently 4/10/2023)
<u>Federal Guidance</u>	<p>Issuers of Insurance should demonstrate due diligence to members informing them of the additional coverage for qualifying coronavirus preventive services including vaccine administration.</p> <p>Note, similar previous requirements on testing were achieved with an update on the What's New section of DCS website.</p>	3/18/2021	N/A
<u>Federal Guidance</u>	<p>Prohibits providers from</p> <ul style="list-style-type: none"> •Balance billing patients for COVID-19 vaccinations •Charge patients for an office visit or other fee if COVID-19 vaccination is the only medical service given •Requiring additional medical or other services during the visit as a condition for getting a COVID-19 vaccination 	4/15/2021	Until the End of Federal (PHE) (currently 4/10/2023)

Source	Provision	Effective Date	Through Last Date of Service
Federal Guidance	Insurers should cover up to 8 Over the Counter (OTC) At-Home FDA approved test kits per month preferably with a Network to provide them with no upfront cost. If such a network is set up the insurer will only have to reimburse \$12 per test, even if the member goes OON and purchases on their own at a different cost.	1/15/2021	Until the End of Federal (PHE) (currently 4/10/2023)

Timeframe Extensions : Appeals & Timely Claims Filing Requirements

Patient should contact the Empire Plan toll free at the 1-877-7NYSHIP regarding any extenuating circumstances due to the COVID-19 crisis which may have delayed normal filing of a claim or an appeal.

Expired--- Changes to Benefit Application

Source	Provision	Effective Date	Through Last Date of Service
NY Emergency Regulation	Patient cost share waiver for INN telehealth services for all diagnoses, and expansion of telehealth coverage to include audio only services and any other medically appropriate service delivered via telehealth.	3/7/20	6/4/2021 – Cost Share waiver expires. Audio Only now permanently in state law as telehealth but may impose cost share.
Governor's Executive Order/ NY Dept of Financial Services (DFS) Circular Letter	Authorizes pharmacists as qualified health care professionals for purposes of ordering and administering COVID-19 testing. This includes both the diagnostic tests and the antibody tests.	4/25/20	Expired 6/24/2021 *Superseded by PREP Act below
NY DFS Emergency Regulation	Patient cost share must be waived for Essential workers mental health counseling. (affects Mental Health program)	5/2/20	Allowed to expire on 5/26/2021
NY DFS Guidance (Circular Letter) / Governor's Executive Order/ NY Department of Health (DOH) Guidance	Employment COVID-19 screening tests of Nursing Home and Adult Care Facility staff is deemed “medically necessary” and a covered benefit. Required twice a week. Once a week permitted in Phase 2. No employee cost share. Effective 11/9/20, frequency is determined by new DOH color code zone system rather than phase.	5/19/20	Expired 6/24/2021

Source	Provision	Effective Date	Through Last Date of Service
<u>Governor's Executive Order</u>	<ul style="list-style-type: none"> • Authorizes pharmacists, podiatrists, midwives, dentists, and Licensed Practical Nurses (LPN), Emergency Medical Technicians (EMT) and paramedics as qualified health care professionals for purposes of administering COVID vaccines. Dental Hygienists with local anesthesia certification may also qualify. • Upon completion of DOH training, non-nursing staff, as ordered and supervised by a qualified medical professional may obtain nasal swabs/blood collection for COVID testing, and administer COVID vaccinations. 	12/13/20	6/24/2021
<u>Governor's Executive Order</u>	NY will allow temporary licensure of nationally accredited Certified Pharmacy Technicians as qualified health care professionals for purposes of administering COVID vaccines. (NYS does not normally license this provider type)	1/12/2021	6/24/2021
<u>Governor's Executive Order/ DFS Circ. Letter</u>	Pre-authorization requirements suspended for home health care after hospitalization (skilled nursing and infusion), hospital admissions, inpatient rehabilitation after hospitalization, concurrent review suspended for inpatient hospital services, and hospital clinical appeal timeframes are suspended <u>upon receipt of a certification from a hospital that suspension is needed to increase the availability of clinical healthcare staff at the designated hospital facilities.</u>	After 10/7/21 – actual date varies per hospital based upon receipt date of the required DFS final form information	8/28/2022

Expired ----- Changes to Authorization Requirements

Source	Provision	Effective Date	Through Date of Authorization Request
NY Emergency Regulation NY DFS Circular Letter	Pre-authorization requirements suspended for home health care after hospitalization (skilled nursing and infusion) , hospital admissions, inpatient rehabilitation after hospitalization, and concurrent review suspended for inpatient hospital services.	3/20/20 Reinstated 12/23/20	6/18/20 2/20/2021
NY Emergency Regulation	Verifies that the above suspension of Pre-authorization requirements applies to Outpatient Services at any facility including offsite/freestanding radiology centers. The Empire Plan Medical Program for Prospective Procedure Review must waive notification requirements for advanced radiology services (MRI's, Cat scans, etc.). Mandates that dates of service 6/19 through 7/6/20 have penalties waived to account for any services prescheduled before the expiration.	3/20/20	6/18/20