



## Order R20-14

### Order to Health Insurers During Covid-19 Disaster Emergency

All insurers licensed in the state of Alaska or issuing insurance in the State of Alaska, insurance industry representatives and other interested parties are encouraged to review the latest information about COVID-19 released by the Alaska Department of Health and Social Services at: <http://dhss.alaska.gov/dph/Epi/id/Pages/COVID-19/default.aspx>.

#### **BACKGROUND**

On November 16, 2020, Governor Mike Dunleavy issued a public health disaster emergency order and extended that order on December 16, 2020. This order was made to protect Alaskans from the adverse effects of COVID-19. Due to the Governor's declaration and pursuant to AS 21.06.080(d), the director finds that emergency measures are needed to ensure Alaskans maintain their insurance coverage while allowing insurers increased flexibility.

#### **THE DIRECTOR HEREBY ORDERS:**

##### **1. Respiratory Illness Diagnostic Testing**

Health insurers shall waive any cost-sharing for laboratory diagnostic testing for respiratory syncytial virus (RSV), influenza, and COVID-19. Cost-sharing should not be a barrier to access this testing to confirm illness. In addition, health insurers shall waive the cost-sharing for an office visit and urgent care center visit with the above testing, as well as for an emergency room visit with testing for the above. This waiver is applicable for in-network and out-of-network providers, facilities, and laboratories.

High deductible health plans (HDHPs) covering COVID-19 testing without cost-sharing will maintain HDHP status as allowed under IRS bulletin 2020-15. Insurers shall also provide telehealth services to HDHP plans consistent with federal guidance. Insurers should provide the greatest benefit to consumers while maintaining eligibility for HDHP and health savings accounts.

##### **2. Telehealth Delivery of Services**

Health insurers shall liberalize telehealth benefits during the public health emergency. The division directs insurers to cover telehealth service categories no less generously than required by Medicare under the national public health emergency as long the Alaska public health emergency is in effect. In addition to contracted telehealth services, insurers are reminded that group insurance contracts cannot contain a provision requiring services to be provided by a particular provider or facility under AS 21.54.020. Recently, HB29 was signed

into law with an effective date of March 17, 2020. The new law may be viewed at <http://www.akleg.gov/basis/Bill/Detail/31?Root=HB29>. Insurers were required to implement the new requirements immediately. Additional information can be found under Bulletin B20-18.

Insurers shall ensure communication of expanded coverages to providers and consumers has been or will be provided as soon as possible.

### **3. Access to Prescriptions**

Access to health care services and supplies is of concern to the division as consumers may be required to self-isolate in their homes with little notice and may not be able to refill their prescription drugs or other necessary medical supplies. The division orders insurers to provide for early refills or replacements of lost or damaged medications and expects this flexibility to continue for the duration of the public health disaster emergency. Insurers shall allow affected consumers to obtain emergency supplies or refills without applying additional authorization requirements. In addition, consumers must be able to access their necessary prescriptions from a local retail pharmacy even if their prescription supply is normally provided by mail order without concern of a penalty. Insurers may require that prescriptions containing opioids be obtained using the standard process. Insurers shall cover off-formulary prescription drugs if there is not a formulary drug to treat a covered condition due to supply shortages related to COVID-19.

### **4. Long Term Care Insurance Home Health Care Services**

The division has heard reports that insurers may be requiring elderly and high-risk consumers to obtain home health care services from qualified individuals who are moving between houses and patients. The division orders that any contract prohibition of family members providing covered home health care services be suspended during the public health emergency disaster. Consumers should be able to access their insurance benefits without increased risk of exposure to the COVID-19 virus. Covered consumers must be allowed to have their family members provide covered services to reduce gathering and transmission of this infectious disease.

For additional guidance, insurers may review Bulletins B20-03, B20-09, B20-11, Order R20-05, and Order R20-10 that are available on the division's website.

This order is effective December 16, 2020. It shall expire January 15, 2021 or when the Governor determines the public health disaster emergency no longer exists.



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Lori Wing-Heier  
Director