



Health Insurance Bulletin 2020-04

Issued July 1, 2020

Effective Immediately

Extension of Temporary Emergency Measures Regarding Benefit Determination Review

The Office of the Health Insurance Commissioner ("OHIC") issues this Bulletin to better ensure access to and continuity of care as well as the safety and welfare of beneficiaries during the COVID-19 public health crisis.

On March 9, 2020, Governor Raimondo declared a state of emergency ("State of Emergency") due to the dangers to health and life posed by the outbreak of COVID-19 and that declaration has been extended until at least July 4, 2020. On April 27, 2020, Governor Raimondo issued the "Twenty-Sixth Supplemental Emergency Declaration – Promoting Better Coordination of Health Care Coverage" ("Executive Order 20-29"), which was extended until June 26, 2020 by Executive Order 20-38 and further extended by Executive Order 20-49 until July 26, 2020. Executive Order 20-29 directs OHIC to issue guidance on its implementation.

OHIC issues this Bulletin to supplement the provisions of Health Insurance Bulletin 2020-03 ("**Temporary Emergency Measures Regarding Benefit Determination Review and Network Plans and Health Care Accessibility and Quality Assurance**") to provide instruction to health care entities and benefit determination review agents subject to OHIC's jurisdiction on how to implement Executive Order 20-29 and maintain compliance with Chapters 27-18.8 and 27-18.9 of the Rhode Island General Laws and regulations promulgated thereunder to ensure access to and continuity of care and the safety and welfare of beneficiaries. A recent Census Bureau study¹ found that 34% of Rhode Islanders are showing signs of clinical anxiety or depression, a marked increase over pre-pandemic numbers. It remains imperative to continue to reduce barriers to behavioral health care services and COVID-19 diagnostic and treatment related services during the State of Emergency.

These temporary policies and procedures to be adopted and followed during the State of Emergency center around benefit determination review policies and practices are necessary

¹ Centers for Disease Control (CDC), National Center for Health Statistics, Household Pulse Survey, <https://www.cdc.gov/nchs/covid19/pulse/mental-health.htm>

to ensure that beneficiaries have timely access to covered services during the State of Emergency.

1. **Benefit determination review requirements.** Through the earlier of October 1, 2020 (or an extension or shortening of the October 1, 2020 date issued by OHIC as necessary) or the expiration of Executive Order 20-29, all health care entities and their certified BDR Agencies shall:
 - a. Suspend prior authorization requirements for all in-network behavioral health services;
 - b. Suspend prior authorization requirements for all in-network non-pharmacy COVID-19 related diagnostic and treatment services; and
 - c. Not replace suspended prior authorization requirements with new retrospective review requirements.

Health care entities and BDR Agencies shall promptly notify participating providers of the policy changes made and/or maintained in response to this Bulletin.

This Bulletin shall take effect immediately and remain in full force and effect for as long as Executive Order 20-29 remains in effect, including through renewal, modification or termination by subsequent Executive Order.

Dated at Cranston, Rhode Island this 1st day of July 2020.



Marie Ganim, PhD., Commissioner