

## 2021 State Insurance Regulatory COVID-19 Updates

\*State insurance regulators have been issuing emergency regulations, guidance documents, and press releases to assist regulated entities regarding the provision of insurance-related services during the novel coronavirus (COVID-19) outbreak. The recent updates are denoted below, including:

- [Oregon](#) issued a Bulletin clarifying that insurers must cover all costs associated with COVID-19 vaccine administration, among other things.
- [Washington](#) issued a Bulletin extending a previous Emergency Order requiring coverage of telehealth services to March 7, 2021.

\* **This tracker focusses on regulatory actions from 2021. You can access the 2020 insurance regulatory tracker [here](#).**

\* In addition, we are tracking state efforts to enhance eligibility for workers' compensation for certain frontline employees. The requirements vary significantly from state to state. The states that have acted thus far include Alaska, Arizona, Arkansas, California, Florida, Kentucky, Michigan, Missouri, New Hampshire, New Mexico, North Dakota, and Washington.

\* Many of the states have issued bulletins that contain the following information:

- **Information Access.** Asks insurers to inform insureds of available benefits, quickly respond to insured inquiries, and consider revisions needed to streamline response and benefits for insureds.
- **Testing.** Requests/requires insurers to waive cost-sharing for (1) COVID-19 testing and (2) in-network provider office visits, urgent care center visits, and emergency room visits.
- **Telehealth Delivery of Services.** Reminds insurers to ensure their telehealth programs are robust and will be able to meet increased demand.
- **Network Adequacy and Access to Out-of-Network Services.** Requests insurers to verify their provider networks are adequate to handle a potential increase in the need for health care services and requests insurers that do not have a provider in their networks with the appropriate training/experience to meet the health care needs of insureds make exceptions to provide access to an out-of-network provider at the in-network cost-sharing level.
- **Immunizations.** In the event an immunization becomes available, requests that insurers immediately cover the immunization at no-cost sharing.
- **Access to Prescription Drugs.** Asks insurers to make expedited formulary exceptions in certain circumstances and requests that insurers allow insureds to fill and refill prescription medications for up to a 90-day supply/until the prescription expires.

Not every state has followed this model and some states deviate in important respects (e.g., by specifically addressing surprise billing, ambulance services, etc.). The below survey details the available state resources, the date on which the resources were issued, and a brief summary offering a general overview of the guidance offered. In particular, it focuses on cost-sharing waivers, telehealth services, treatment of out-of-network providers offering in-network services, etc.

\* We envision this as an evergreen document that we will aim to update weekly. If you operate in a state and notice that we have not included the most up-to-date guidance, please let us know.

State	State Resources	Date Issued	Summary
<b>Alaska</b>	<a href="#">R21-03</a>	01/15/2021	<ul style="list-style-type: none"> <li>• <b>Clarifies</b> that insurers must cover all costs (e.g., copays, coinsurance, and deductibles) associated with COVID-19 vaccine administration and treatments.</li> </ul>
	<a href="#">R21-02</a>	01/15/2021	<ul style="list-style-type: none"> <li>• <b>Extends</b> timeframes for rate, form, and advertisement filings.</li> <li>• <b>Requires</b> that insurers permit employers to continue coverage for employees under group policies even if the employee would otherwise become ineligible due to a decrease in hours worked per week.</li> </ul>
	<a href="#">R21-01</a>	01/15/2021	<ul style="list-style-type: none"> <li>• <b>Clarifies</b> that insurers must waive any cost-sharing for respiratory syncytial virus, influenza, and COVID-19 testing.</li> <li>• <b>Provides</b> updated guidance regarding expanded coverage of telehealth services, among other things.</li> </ul>
<b>California</b>	<a href="#">Bulletin 2020-13</a>	12/31/2020	<ul style="list-style-type: none"> <li>• <b>Establishes</b> a moratorium on the cancellation and non-renewal of certain residential property insurance policies due to wildfire risk located in certain ZIP codes, among other things.</li> </ul>
<b>D.C.</b>	<a href="#">Notice   Press Release</a>	01/04/2021	<ul style="list-style-type: none"> <li>• <b>Notifies</b> insurers that all Orders and Bulletins regarding relief to policyholders are to remain in place through March 31, 2021 (e.g., the end of the public health emergency).</li> </ul>
<b>Indiana</b>	<a href="#">Bulletin 256</a>	12/31/2020	<ul style="list-style-type: none"> <li>• <b>Asks</b> insurers to extend prior authorization timeframes for open and approved delayed scheduled surgeries until June 29, 2021.</li> <li>• <b>Notes</b> that this extension only applies to prior authorizations that were approved before December 16, 2020.</li> </ul>
<b>Maryland</b>	<a href="#">Bulletin 21-05</a>	01/26/2021	<ul style="list-style-type: none"> <li>• <b>Extends</b> a previous Bulletin prohibiting carriers from canceling any policy for nonpayment of premium until March 27, 2021.</li> </ul>

State	State Resources	Date Issued	Summary
Massachusetts	<a href="#">Bulletin 2020-01</a>	01/21/2021	<ul style="list-style-type: none"> <li>• <b>Provides</b> additional requirements for insurers to cover COVID-19 vaccines.</li> </ul>
	<a href="#">Bulletin 2020-32</a>	12/29/2020	<ul style="list-style-type: none"> <li>• <b>Clarifies</b> that insurers must cover all costs (e.g., copays, coinsurance, and deductibles) associated with COVID-19 vaccine administration.</li> <li>• <b>Establishes</b> additional requirements for insurers to cover COVID-19 vaccines.</li> </ul>
	<a href="#">Bulletin 2020-30</a>	12/29/2020	<ul style="list-style-type: none"> <li>• <b>Reminds</b> insurers of a previous bulletin regarding premium grace periods, among other things.</li> </ul>
Mississippi	<a href="#">Bulletin 2021-02   Press Release</a>	01/27/2021	<ul style="list-style-type: none"> <li>• <b>Clarifies</b> that insurers must cover all costs (e.g., copays, coinsurance, and deductibles) associated with COVID-19 vaccine administration.</li> </ul>
	<a href="#">Bulletin 2021-01</a>	01/07/2021	<ul style="list-style-type: none"> <li>• <b>Extends</b> the waiver of requirements for insurers to conduct on-site reviews.</li> </ul>
New Jersey	<a href="#">Bulletin No. 21-02</a>	01/21/2021	<ul style="list-style-type: none"> <li>• <b>Closes</b> the application process for temporary insurance producer licenses.</li> </ul>
	<a href="#">Bulletin No. 21-01</a>	01/07/2021	<ul style="list-style-type: none"> <li>• <b>Clarifies</b> that insurers must cover all costs (e.g., copays, coinsurance, and deductibles) associated with COVID-19 vaccine administration.</li> <li>• <b>Establishes</b> additional requirements for insurers to cover COVID-19 vaccines.</li> </ul>
New York	<a href="#">Executive Order 202.82   Press Release</a>	01/15/2021	<ul style="list-style-type: none"> <li>• <b>Clarifies</b> the expansion of categories of medical personnel who can administer COVID-19 vaccinations, which must be covered without costs (e.g., copays, coinsurance, and deductibles).</li> </ul>
<i>Oregon</i>	<a href="#">Bulletin 2021-1</a>	<i>02/04/2021</i>	<ul style="list-style-type: none"> <li>• <i>Clarifies that insurers must cover all costs (e.g., copays, coinsurance, and deductibles) associated with COVID-19 vaccine administration.</i></li> <li>• <i>Establishes additional requirements for insurers to cover COVID-19 vaccines.</i></li> </ul>

State	State Resources	Date Issued	Summary
<b>Texas</b>	<a href="#">B-0004-21</a>	01/29/2021	<ul style="list-style-type: none"> <li>• <b>Announces</b> that, beginning March 1, 2021, a previous bulletin requiring insurers to authorize payments to pharmacies (i.e., up to a 90-day supply of any prescriptions), among other things, is lifted.</li> </ul>
	<a href="#">B-0003-21</a>	01/14/2021	<ul style="list-style-type: none"> <li>• <b>Extends</b> a previously established data collection period requiring certain insurance carriers to provide summary data for COVID-19-related workers' compensation claims and payments through June 2021.</li> </ul>
<b>Washington</b>	<a href="#">Extended Emergency Order 20-02   Press Release</a>	<i>02/04/2021</i>	<ul style="list-style-type: none"> <li>• <b>Extends a previous Emergency Order requiring coverage of telehealth services to March 7, 2021.</b></li> </ul>
	<a href="#">Extended Emergency Order 20-01   Press Release</a>	01/22/2021	<ul style="list-style-type: none"> <li>• <b>Extends</b> a previous Order requiring insurers to: <ul style="list-style-type: none"> <li>– Waive copays and deductibles for consumers requiring testing for COVID-19.</li> <li>– Allow a one-time early refill for prescription drugs.</li> <li>– Suspend any prior authorization requirement for treatment or testing for COVID-19.</li> </ul> </li> </ul>
	<a href="#">Extended Emergency Order 20-06   Press Release</a>	01/22/2021	<ul style="list-style-type: none"> <li>• <b>Extends</b> a previous Order clarifying that insurers are prohibited from balance billing policyholders for COVID-19 testing.</li> </ul>
	<a href="#">Extended Emergency Order 20-02   Press Release</a>	01/08/2021	<ul style="list-style-type: none"> <li>• <b>Extends</b> a previous Emergency Order regarding coverage of telehealth services to February 7, 2021.</li> </ul>
	<a href="#">Press Release</a>	12/30/2020	<ul style="list-style-type: none"> <li>• <b>Clarifies</b> that insurers must cover all costs (e.g., copays, coinsurance, and deductibles) associated with COVID-19 vaccine administration.</li> </ul>