



Cory Talbot

Partner
801.799.5971
Salt Lake City, Phoenix
CATalbot@hollandhart.com

Overview of the COVID-19 Telehealth Program

Insight — April 23, 2020

As part of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, Congress appropriated \$200 million in funding for the COVID-19 Telehealth Program (the “Program”). The Program, administered through the Federal Communications Commission (“FCC”), is designed to help health care providers deliver connected care services to patients at their homes or mobile locations in response to the COVID-19 pandemic. The FCC began accepting applications for the Program earlier this month.

What is the Program?

The Program will distribute emergency funding to health care providers to increase telehealth services during the COVID-19 pandemic. The FCC indicates that the Program will support participating health care providers “by fully funding their telecommunications services, information services, and devices necessary to provide critical connected care services” during the COVID-19 pandemic.¹ Funds can be used to cover eligible equipment or services purchased on or after March 13, 2020, including services with monthly recurring charges, such as broadband connectivity or remote patient monitoring devices, through September 30, 2020. The FCC has set an award ceiling of \$1 million per applicant.

Who is eligible to apply for funds under the Program?

The Program is available to nonprofit and public eligible health care providers that fall within section 254(h)(7)(B) of the 1996 Telecommunications Act:

- post-secondary educational institutions offering health care instruction, teaching hospitals, and medical schools;
- community health centers or health centers providing health care to migrants;
- local health departments or agencies;
- community mental health centers;
- not-for-profit hospitals;
- rural health clinics;
- skilled nursing facilities; or
- consortia of health care providers consisting of one or more of the foregoing entities.

Rural and non-rural health clinics are eligible to receive funding under the Program.

What services and devices are eligible for Program funding?

The Program will provide participating health care providers with funding to devices and services necessary to provide telehealth services, such as the following:

Telecommunications Services and Broadband Connectivity Services: Voice services, for health care providers or their patients.

Information Services: Internet connectivity services for health care providers or their patients; remote patient monitoring platforms and services; patient reported outcome platforms; store and forward services, such as asynchronous transfer of patient images and data for interpretation by a physician; platforms and services to provide synchronous video consultation.

Connected Devices/Equipment: Tablets, smart phones, or connected devices to receive connected care services at home (e.g., broadband-enabled blood pressure monitors; pulse oximetry monitors) for patient or health care provider use; or telemedicine kiosks/carts for health care provider sites.²

Funding does not cover personnel, IT, administrative, and training costs necessary to support the provision of telehealth services.

How are applications considered?

In evaluating applications, the FCC will consider the following criteria:

- The conditions to be treated using the COVID-19 Telehealth Program funding.
- The goals and objectives for use of the COVID-19 Telehealth Program funding.
- The timeline for deployment of the proposed service(s) or devices funded by the COVID-19 Telehealth Program.
- The factors/metrics the applicant will use to help measure the impact of the services and devices funded by the COVID-19 Telehealth Program.
- The geographic area and population served by the applicant. and whether that geographic area has been under any pre-existing strain (e.g., large underserved or low-income patient population; health care provider shortages; rural hospital closures; limited broadband access and/or Internet adoption).
- The health care providers' targeting of funding to high-risk and vulnerable patients.³

How do eligible health care providers apply for funding under the Program?

Before applying, health care providers will need to do the following: (1) seek an eligibility determination from the Universal Service Administrative Company for each site included in the application⁴; (2) obtain an FCC

Registration Number⁵; and (3) register with the federal System for Award Management⁶.

Once those steps are taken, eligible health care providers may submit applications through FCC online application page at <https://www.fcc.gov/covid-19-telehealth-program>.

We will address the COVID-19 Telehealth Program and well as other telehealth issues in the wake of COVID-19 during a dedicated webinar on Thursday, April 30. Details and registration information are available here.

You can view our additional resources for the healthcare industry here.

For questions regarding this update, please contact:

Cory Talbot

Holland & Hart, 222 S Main Street, Suite 2200, Salt Lake City, UT 84101
email: catalbot@hollandhart.com, phone: 801-799-5971

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author. This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.

¹<https://www.fcc.gov/covid-19-telehealth-program>.

²<https://www.fcc.gov/covid-19-telehealth-program-frequently-asked-questions-faqs>.

³*Id.*

⁴While the eligibility determination must ultimately be made before any funds will be disbursed, applicants can apply to the Program while the eligibility determination is pending. The form can be found at <https://www.usac.org/rural-health-care/resources/forms/>. Notably, the portion of the form regarding a rural or consortium requirement does not apply to the Program.

⁵<https://apps.fcc.gov/cores/userLogin.do>.

⁶<https://www.sam.gov/SAM/>.

other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.