



3 COVID-19 Regulatory Changes to Health Comms You Need to Know

Multiple Federal agencies have issued specific guidance/taken action in response to the COVID-19 pandemic that impact health communications. We summarized 3 key regulatory changes below. Even with our expert take, you should always review the information with your legal counsel and determine appropriate actions for your organization. The following is a summary of changes and is not intended as a substitute for legal advice.

① Federal Communications Commission (FCC) COVID-19 TCPA Declaratory Ruling

What does it mean?

Supports efficient, effective public health information sharing to the American people by confirming the COVID-19 pandemic qualifies as an “emergency” under the TCPA. Allows hospitals, health care providers, state and local health officials, and other government officials to lawfully communicate information about the novel coronavirus as well as mitigation measures without violating Federal law

How does it impact you?

This notification provides assurance that qualified organizations can use IVR and SMS channels to communicate essential COVID-19 information to mobile phone numbers without violating the TCPA provided that the caller and content is clearly identified, messages are informational in nature, and content is related to imminent health/safety risk related to COVID-19

How can Welltok help?

Our robust campaign and communication options, including IVR and SMS, and pre-set approved scripts and topics can help you keep individuals informed, connected to resources and safe. For example, we are helping a state Medicaid organization launch its first text messaging campaign under the new regulations to rapidly deploy COVID-19 information

② Centers for Medicare and Medicaid Services; Expansion of Medicare Telehealth Reimbursement with 1135 Waiver

What does it mean?

Follows up to the Coronavirus Preparedness and Response Supplemental Appropriations Act (CPRSAA), which permitted the Secretary of the United States Department of Health and

Human Services to relax Medicare restrictions on telehealth. Waiver temporarily expands on an emergency basis access to Medicare telehealth services so beneficiaries can receive a wider range of services from their doctors without having to travel to a healthcare facility

How does it impact you?

Helps providers and health plans continue serving Medicare patients and members by significantly expanding Medicare reimbursement for telehealth services on a temporary basis. It will pay for office, hospital, and other visits furnished via telehealth across the country and including in patient's places of residence starting March 6, 2020, covering many provider types including doctors, nurse practitioners, clinical psychologists, and licensed clinical social worker. It also supplements prior actions by CMS to cover Medicare telehealth visits, virtual check-ins and e-visits, and it provides flexibility for healthcare providers to reduce or waive cost-sharing for telehealth visits paid by federal healthcare programs

How can Welltok help?

Many plans have offered telehealth resources at varying levels in the past. Welltok provides multiple telehealth options through our Connect Partner ecosystem and can help plans leverage these broadened reimbursement policies

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HHS Office of Civil Rights (OCR) Notification of Enforcement Discretion on Telehealth Remote Communications

What does it mean?

Related to HIPAA compliance, OCR is taking a number of steps to enable broader use of telehealth, including eliminating enforcement for failure to have a prior established physician-patient relationship and expressly authorizing certain video chat platforms and applications

How does it impact you?

Covered health care providers can use private video chat applications, including Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, or Skype. Public applications such as Facebook Live, Twitch, TikTok are still prohibited. The HHS OIG will also not conduct audits to ensure a prior relationship existed between providers and patients for claims submitted during this public health emergency. OCR will also not impose penalties against covered health care providers for the lack of a business associate agreement (“BAA”) with video communication vendors or any other noncompliance with the HIPAA Rules that relates to the good faith provision of telehealth services during the COVID-19 nationwide public health emergency

How can Welltok help?

These actions, in combination with broadened Medicare reimbursement for telehealth and similar actions taken by various state Medicaid agencies, provide a much stronger framework for the use of digital and telehealth services during this time. Welltok provides multi-channel communications options and telehealth offerings through our Connect Partner ecosystem, and we are actively assisting our clients in reaching those they serve effectively.

**Welltok can help you navigate the changing situation.
Email activation@welltok.com to get connected to our team.**