

Diana Capes

From: Kelsch, Ashley M. <amkelsch@nd.gov>
Sent: Monday, March 30, 2020 3:01 PM
Subject: INSURANCE COMMISSIONER ISSUES BULLETINS TO PROTECT NORTH DAKOTANS DURING COVID-19 PANDEMIC



North Dakota Insurance Department

Jon Godfread, Commissioner

March 30, 2020

FOR IMMEDIATE RELEASE

Contact: Ashley Kelsch
amkelsch@nd.gov

Insurance Commissioner Issues Bulletins to Protect North Dakotans During COVID-19 Pandemic

BISMARCK, N.D. – Insurance Commissioner Jon Godfread today announced the issuance of seven bulletins in response to executive orders made by Governor Doug Burgum and in the interest of protecting North Dakotans during the COVID-19 (coronavirus) pandemic. COVID-19 is a highly contagious, viral disease for which the only known method of prevention is to avoid being exposed to the virus by reducing contact with other individuals.

“Over the past 20 days, the Insurance Department has been working to provide clarity and consistency to consumers, agents and companies with how North Dakota is addressing this public health crisis. Issuing such a large number of bulletins and interfering with the way North Dakota insurance producers and companies conduct business isn’t a responsibility that I take lightly, however, there were issues that needed to be addressed quickly during this critical time,” Godfread said. “Now more than ever, we need to follow the instructions provided by the CDC to not only protect ourselves, family and friends, but also the medical professionals in our state providing critical services throughout all of our communities. I hope that these bulletins will assist in doing that.”

To read all of the bulletins in their entirety, visit insurance.nd.gov/bulletins.

Bulletin 2020-1 Coverage for COVID-19 (Coronavirus) Testing

Issued on March 11, 2020, to notify all health insurance carriers, including those who write short-term limited duration policies, and travel insurance carriers regarding coverage for COVID-19 testing and treatment. In order to protect public health, health carriers and travel insurers are asked to identify and remove barriers to testing and treatment for COVID-19. Health carriers must be prepared to address COVID-19 cases in North Dakota.

The Insurance Department is asking health carriers providing coverage through health benefit plans and short-term limited duration plans to North Dakota residents to take immediate measures in the following areas of impact: preparedness, information access, testing for COVID-19, telehealth delivery of services, network adequacy and access to out-of-network services, prior authorization, immunizations, access to prescription drugs, surprise medical bills and travel insurance.

Bulletin 2020-1 will expire and be rescinded on May 1, 2020, unless otherwise renewed by the Insurance Department.

Bulletin 2020-3 Expansion of Telehealth Services

Issued on March 24, in response to Governor Doug Burgum's Executive Order 2020-05.1 issued on March 20, 2020, ordering insurance companies to expand telehealth services to consumers. Pursuant to this Bulletin, insurance carriers issuing health benefit plans that offer telehealth services must apply standards to apply this expansion of telehealth services. The expansion is consistent with recent guidance issued by the Centers for Medicare & Medicaid Services (CMS) on March 17 to expand telehealth services.

Health insurers must relax the guidelines under HIPPA consistent with CMS guidance (i.e. serving patients in good faith through everyday communications technologies to include, but not limited to telephone, FaceTime or Skype). Further, insurance carriers must start or continue to provide covered services via telehealth visits. These services include, but are not limited to the following:

- Office visits for patients
- Physical therapy (PT) plan evaluation
- Occupational therapy (OT) plan evaluation
- Speech therapy (ST) plan evaluation
- Behavioral health and substance use disorder treatment
- Diabetes education
- Nutrition counseling

It is the Insurance Department's understanding that the provisions of Executive Order 2020-05.1 and the provisions of this Bulletin do not apply to the following services:

- Deferable elective care
- Chiropractic care
- Dental care
- Acupuncture

In addition to traditional telehealth, service carriers must expand telehealth under CMS guidance and now offer e-visits and virtual check-ins.

Bulletin 2020-3 will expire and be rescinded upon the rescission of Executive Order 2020-05.1, unless otherwise renewed by the Insurance Department.

Bulletin 2020-4 Expansion of Personal Lines Automobile Policies for Delivery Services

Issued on March 25 in response to Governor Burgum's Executive Order 2020-06 on March 19, ordering the state closure of on-sale/on-site dining options. The Insurance Department encourages all personal auto insurers to temporarily extend coverage on a personal auto policy to include coverage when the insured is engaged in delivering food, medicine or other essential goods.

Personal line automobile policies do not typically provide coverage for vehicles used for commercial purposes e.g., food delivery. Therefore, in the absence of any other action, many of the temporary food delivery drivers would be deemed uninsured.

Bulletin 2020-4 will expire and be rescinded upon the rescission of Executive Order 2020-06, unless otherwise renewed or rescinded by the Insurance Department.

Bulletin 2020-5 Electronic Reporting and Deadline Extensions

Issued on March 25 as part of the Insurance Department’s initiative to help protect consumers during the COVID-19 pandemic, the Bulletin instructs individuals, organizations and business entities on how to conduct business with the Insurance Department electronically to prevent further disruption of business.

This Bulletin will remain in effect until rescinded by the Insurance Department.

Bulletin 2020-6 Social Distancing with Consumers During COVID-19 Pandemic

Issued on March 25 in response to Governor Burgum’s Executive Order 2020-03 issued on March 13, declaring a state of emergency in North Dakota in response to the public health crisis resulting from COVID-19, the Insurance Department encourages all resident insurance producers to limit in-person contact with consumers during the COVID-19 pandemic.

The Insurance Department encourages producers, carriers, agencies and adjustors to practice social distancing and to follow the Centers for Disease Control and Prevention's (CDC) guidelines for businesses and employers during the COVID-19 pandemic. These guidelines can be found at [cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html). The CDC guidelines also provide recommendations for individuals that are unable to work from home. If an individual is working in an office setting and develops any illness, that individual must stay home.

Bulletin 2020-7 Continuing Education Requirements – COVID-19

Issued on March 25 in response to Governor Burgum’s Executive Order 2020-03, declaring a state of emergency in North Dakota in response to the public health crisis resulting from COVID-19, the Insurance Department notifies all North Dakota resident producers and resident consultants of continuing education (CE) reporting deadline extensions.

In accordance with [North Dakota Administrative Code § 45-02-04-08](#), the Insurance Commissioner is recognizing the extenuating circumstances that may be preventing the completion of CE requirements prior to the expiration of a resident producer's or consultant's license whose license expires on March 31, 2020. In consideration of the public health crisis, producers and consultants whose license expires on March 31, 2020, are not required to provide the Insurance Department with a request for extension, written or otherwise, and are granted a CE reporting extension to April 30, 2020. Producers are encouraged to complete CE requirements via approved, online courses.

Although the CE compliance deadline is being extended for producers whose license expire March 31, 2020, the producer license renewal deadline remains March 31, 2020.

Bulletin 2020-8 Assistance for Consumers, Claimants and Covered Persons Impacted by COVID-19

Issued on March 30 in response to Governor Burgum’s Executive Order 2020-03, this Bulletin urges all North Dakota insurers, producers, adjustors and other persons licensed and authorized to transact the business of insurance within the state of North Dakota to provide flexibility and possible relief from certain insurance requirements to those North Dakota consumers and businesses that have been impacted by the COVID-19 pandemic.

Any relief offered to consumers who are facing a financial hardship due to COVID-19, as described in the Bulletin, will not be considered unfairly discriminatory or a rebate if the relief is focused on providing

additional consumer protections and is reasonably applied to all insureds, claimants or covered persons that are similarly impacted by this public health crisis.

“We continue to encourage North Dakotans to be prepared. Good hand washing, staying home if you are sick, and contacting your medical provider in the event you do have symptoms will go a long way toward flattening the curve on a potential public health crisis in North Dakota,” Godfread added.

Individuals with questions related to these bulletins should contact the Insurance Department at insurance@nd.gov.

For the latest information and updates related to COVID-19, please visit the Insurance Department website at insurance.nd.gov/covid-19-coronavirus-and-insurance, the North Dakota Department of Health website at health.nd.gov/coronavirus, and the CDC website at cdc.gov/coronavirus.

###

It is the mission of the North Dakota Insurance Department to protect the public good by fairly and effectively administering the laws of North Dakota. We are committed to vigorous consumer protection efforts while fostering a strong, competitive marketplace that provides consumers with choices and access to high-quality insurance products and services at competitive prices. In pursuit of our mission, we will treat all of our constituencies with the highest ethical standards and respect they deserve.

Please reply to this email if you would like to opt out of NDID communications.