

FCC Establishes New Emergency COVID-19 Telehealth Program

On March 27, 2020, President Trump signed into law the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”). The CARES Act provided, in part, \$200 million to the Federal Communications Commission (“FCC”) to assist healthcare providers in the wake of the COVID-19 pandemic. The FCC responded by issuing a new emergency program—the COVID-19 Telehealth Program (“Program”)—to provide eligible healthcare providers with funding of up to \$1 million to purchase telecommunications services, information services, and devices necessary to provide telehealth services for the treatment of COVID-19 or other health conditions during the pandemic.

Interested parties must submit an application and request for funding to the FCC. The Bureau will make available an online portal for completing and submitting applications. The Bureau will release a Public Notice and post information about the web address and opening date for that portal on the Commission’s Keep Americans Connected page: <https://www.fcc.gov/keep-americansconnected>. Applications are not yet being accepted.

There are three steps interested providers can take immediately to prepare to apply for the Program:

- (1) Obtain an eligibility determination from the Universal Service Administrative Company (USAC);
- (2) Obtain an FCC Registration Number (FRN); and
- (3) Register with System for Award Management.

(1) Program Eligibility

The Program is limited to certain nonprofit and public eligible healthcare providers:

- 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; and
- consortia of health care providers consisting of one or more entities falling into the first seven categories.

Eligible health care providers must be determined to be eligible by the Universal Service Administrative Company (“USAC”). This is done by submitting a FCC Form 460, which can be accessed at: <https://www.usac.org/rural-health-care/resources/forms/>

Healthcare providers that are interested in the Program but do not yet have an eligibility determination from USAC can still submit applications for the Program while their FCC Form 460 is pending.

(2) Obtaining an FRN

All applicants, like all other entities doing business with the FCC, must register for an FRN in the Commission Registration System (CORES). To register with CORES, please use the following link:

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

(3) Registering with System for Award Management

To receive payments through the COVID-19 Telehealth Program, applicants must be registered with the federal System for Award Management. To register with the system, go to

<https://www.sam.gov/SAM>.

Required Information for Application

The FCC has published a public notice of what information will be asked on the application. The wording may vary slightly, but below is a general overview:

Applicant Information

- Applicant Name
- Applicant FCC Registration Number (FRN)
- Applicant National Provider Identifier (NPI)
- Federal Employer Identification Number (EIN/Tax ID)
- Data Universal Number System Number (DUNS)7
- Business Type (from Data Accountability and Transparency (DATA) Act8 Business Types) -- Applicants may provide up to three business types
- DATA Act Service Area – This information will be required for each line item for which funding is requested. Applicants must enter name of the applicable state(s) or “nationwide”

Contact Information

- Contact name for the individual that will be responsible for the application
- Position title
- Phone number
- Mailing address
- Email address

Healthcare Provider Information

- Lead health care provider name (if part of a consortium)
- Facility name
- Indicate whether facility is a hospital
- Street address, city, state, county
- FCC Registration Number (FRN)
- Healthcare provider number
- Eligibility type
- National Provider Identifier (NPI)
- Total patient population
- Estimated number of patients to be served by the funding request (and supporting documentation)

Medical Services to be Provided

- Patient-Based Internet-Connected Remote Monitoring
- Other Monitoring
- Video Consults
- Voice Consults
- Imaging Diagnostics
- Other Diagnostics
- Remote Treatment
- Other Services

Conditions to be Treated with COVID-19 Telehealth Funding

- Whether the applicant will treat COVID-19 patients directly
- Whether the applicant will treat patients without COVID-19 symptoms or conditions (applicants will check all that apply):
 - Other infectious diseases
 - Emergency/Urgent Care
 - Routine, Non-Urgent Care
 - Mental Health Services (non-emergency)
 - Other conditions
- How using COVID-19 Telehealth Program funding to treat patients without COVID-19 symptoms or conditions would free up resources that will be used to treat COVID-19

Additional Information Concerning Requested Services and Devices

- Goals and objectives for use of the COVID-19 Telehealth Program Funding
- Timeline for deployment of the proposed service(s) or devices funded by the COVID-19 Telehealth Program
- Factors/metrics the applicant will use to help measure the impact of the services and devices funded by the COVID-19 Telehealth Program
- How COVID-19 has affected health care providers in your area
- Any additional information about the geographic area and population served by the applicant. Indicate whether the geographic area you serve has been under any pre-existing strain (e.g., large underserved or low-income patient population; HCP shortages; rural hospital closures; limited broadband access and/or Internet adoption). If so, describe such factors
- Whether the applicant plans to target the funding to high-risk and vulnerable patients. If so, describe how
- Any additional information to support the application and request for funding

Requested Funding Items

- Total amount of funding requested
- Whether funding for devices is being requested. If so:
 - How are the devices integral to patient care?
 - Are the devices for patient use?
 - Are the devices for the health care provider's use?

Supporting Documentation

- An applicant should provide supporting documentation for the costs indicated in its application. Such supporting documentation should summarize the expected costs of the eligible services and devices requested and may include documentation such as an invoice or quote from a vendor or service provider (or similar information). Such information should be specific enough to identify line-items to facilitate swift review of the application, and we encourage applicants to include information such as a description of the service or device, its eligibility category, the quantity ordered, the upfront and monthly expenses, and the service dates for recurring services.

For further information on the implications of COVID-19 on healthcare, or other healthcare related questions, please contact Jennifer Groves Fusco, Shareholder in the Healthcare and Human Services Law Group at Updike, Kelly & Spellacy, P.C. at (203) 786-8316 or jfusco@uks.com.

Updike, Kelly & Spellacy, PC would like to thank associate Valerie M. Ferdon for her contributions to this client alert.

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