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BULLETIN 2021-5 MISSISSIPPI INSURANCE DEPARTMENT

FURTHER GUIDANCE REGARDING THE USE OF TELEMEDICINE

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On March 14, 2020, Governor Tate Reeves declared a state of emergency to address the high risk for an outbreak of the novel coronavirus, identified as COVID-19, in this State. In an effort to encourage the use of telemedicine during this pandemic, the Mississippi Insurance Department (“MID”), on March 16, 2020, issued Bulletin 2020-1, entitled “Insurance Coverage Regarding the Use of Telemedicine During the COVID-19 Crisis”, directing insurers to adopt procedures that would encourage policyholders to use telemedicine, and suspending certain limitations applicable to telemedicine services found in Miss. Code Ann. Section 83-9-351 (Supp. 2020). The directives provided in Bulletin 2020-1 were to be in effect through April 30, 2020. Later, on April 24, 2020, MID issued Bulletin 2020-9, which extended the provisions in Bulletin 2020-1 through June 30, 2020. These provisions were extended again in Bulletin 2020-10, and Bulletin 2020-13 served to keep the subject provisions in place as long as the Governor’s Emergency Proclamation of March 14, 2020, remains in effect.

When the Emergency Proclamation of March 14, 2020, is lifted by the Governor, which is expected to occur on November 20, 2021, Bulletins 2020-1, 2020-9, 2020-10 and 2020-13 will expire by operation of law.

The use of telemedicine during the pandemic has been an outstanding and effective method of providing consistent healthcare to Mississippians and has shielded many from unnecessary exposure to the coronavirus. Many elderly or rural residents have received consultations with their medical providers by the use of phones or computers. People in need of mental health services have received immediate, thorough and consistent treatment, especially children and teenagers who have needed these types of services. The benefits of telemedicine are too great to be ignored or discontinued.

Miss. Code Ann. Section 83-9-351 (Supp. 2020) addresses telemedicine services as required in Mississippi. Upon a close reading of this statute, there is not an express provision limiting coverage for telemedicine services to provider-to-provider consultations only. Therefore, it is the determination of the Commissioner that the continued use of telemedicine under a patient-to-provider format is allowed under Section 83-9-351. Health insurers should not limit payment for

claims to provider-to-provider consultations and should continue to reimburse for covered patient-to-provider claims.

Additionally, while the number of COVID cases has decreased over the last several weeks, a resurgence in cases cannot be ruled out as the winter months approach. As a result, upon expiration of the Governor's Emergency Proclamation, I hereby **STRONGLY URGE** that all health insurers providing coverage in Mississippi continue to comply with the provisions of Bulletin 2020-1 through at least March 31, 2022, at which time I will reassess the situation.

Your cooperation in this matter will be greatly appreciated. Working together, I am confident we can ensure that healthcare consumers in this State continue to receive access to healthcare in a timely, safe and efficient manner throughout the remainder of the coronavirus pandemic and beyond.

Should you have any questions regarding this Bulletin, please contact Bob Williams, Director of the Life and Health Division, at (601) 359-9375, or at Bob.Williams@mid.ms.gov.


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