

Mar. 30, 2020

Pai Circulates Draft CARES Act, Connected Care Telehealth Orders

FCC Chairman Ajit Pai has circulated for the consideration of his fellow Commissioners two draft orders to establish separate telehealth funding programs, one to allocate the \$200 million included for that purpose in the Coronavirus Aid, Relief, and Economic Security (CARES) Act signed into law on and the other to allocate \$100 million over three years in the Connected Care Pilot Program using Universal Service Fund (USF) rural health care (RHC) support, as previously proposed by the Commission.

The two programs will differ in a number of ways, largely due to the urgency of providing telehealth support to health care providers under the COVID-19 Telehealth Program and the flexibility of the CARES Act provisions authorizing the program, compared to the restrictions on telemedicine support under the USF RHC provisions of the 1996 Telecommunications Act, according to a senior FCC official who briefed reporters on background during a conference call this afternoon.

Support under the COVID-19 Telehealth Program will be awarded on a rolling basis by the Wireline Competition Bureau, with no matching funds required — that is, support could cover 100% of the cost of a project. Telecommunications service, information service, and connected devices could all be supported under the COVID-19 Telehealth Program.

COVID-19 Telehealth Program awards are intended to be made as soon as possible. The FCC official expressed that Commissioners would vote on the item as soon as possible, that the Office of Management and Budget would quickly provide the necessary approval of the application form under the Paperwork Reduction Act, and that the order could be published in the “Federal Register” within the next week. Applicants could apply the day after publication, and although the FCC cannot predict or control the speed at which applications arrive, the official said that the agency is aiming to deliver funds within weeks.

Eligible institutions for the COVID-19 Telehealth Program would include post-secondary educational institutions, teaching hospitals, health care service for migrants, community mental health services, rural health clinics, and skilled nursing facilities. The program would be technology neutral with respect to wired versus wireless connections, the official said.

Preference in awards will be given to areas hardest hit by COVID-19 and to projects focusing on at-risk individuals. Eligible programs would not necessarily have to be aimed at COVID-19 treatment, since telemedicine efforts that keep other patients out of hospitals and other physical health care locations will both spare resources to be used for COVID-19 treatment and help prevent further spread of the coronavirus, the official noted.

The official also said that the FCC does not expect to award more than \$1 million to any single project.

The Connected Care Pilot Program would fund up to 85% of the eligible costs of a project. Broadband connectivity, network equipment, and information services would be eligible for support, but not patient connected devices. All applications would be considered at once, rather than on a rolling basis.

Under the draft order, the Connected Care Pilot Program would emphasize support for programs aimed at low-income patients, veterans, opioid addiction, mental health care, high-risk pregnancies, and chronic conditions like diabetes.

Asked whether the FCC would look for additional money in any future federal coronavirus relief legislation, the official mentioned funding to support remote learning initiatives, which the Commission had asked for in the CARES Act but did not receive. As for the telehealth funding, he said that if the pandemic lasts longer than the FCC anticipates or applications exhaust the \$200 million, the FCC could ask Congress for additional funding.

In a statement, Chairman Pai said, “As we self-isolate and engage in social distancing during the COVID-19 pandemic, telehealth will continue to become more and more important across the country. Our nation’s health care providers are under incredible, and still increasing, strain as they fight the pandemic. My plan for the COVID-19 Telehealth Program is a critical tool to address this national emergency. I’m calling on my fellow Commissioners to vote promptly to adopt the draft order I circulated today, so that we can take immediate steps to provide support for telehealth services and devices to health care providers during this national crisis. I’d like to thank Congress for acting with bipartisan decisiveness to allocate funding for the COVID-19 Telehealth Program and Commissioner Carr for his leadership on telehealth issues, including the Connected Care Pilot Program.”

Commissioner Brendan Carr, who has spearheaded the agency’s efforts to develop the Connected Care Pilot Program, said, “I am grateful to Chairman Pai for his leadership in accelerating this important initiative and for fast-tracking a COVID-19 Telehealth Program. This decision will further strengthen the nation’s response to the coronavirus pandemic and help Americans access high-quality healthcare without having to visit a hospital in person.” —Lynn Stanton, lynn.stanton@wolterskluwer.com

Copyright © 2020 CCH Incorporated, All Rights Reserved