AUGUST 06, 2019

FCC PROCEEDS WITH $100 MILLION TELEHEALTH INITIATIVE, SEEKS COMMENTS ON PROPOSED PROGRAM RULES

On July 10, 2019, the Federal Communications Commission ("FCC") voted unanimously to move forward with its new $100 million telehealth initiative, which seeks to bring telehealth services to low-income Americans, veterans and medically underserved communities.

In its Notice of Proposed Rulemaking, the FCC detailed its proposed telehealth initiative rules and anticipated program requirements. As currently envisioned, the three-year initiative would provide selected eligible health care provider projects funding, using USF funds, for up to 85 percent of eligible services and equipment. Although the program would give health care providers some flexibility to determine the specific health conditions and geographic areas that would be the focus of the proposed project, the FCC does propose limiting health care provider participation to non-profit or public health care providers within the meaning of 47 C.F.R. § 254(h)(7)(B) and selected projects to those focused on health conditions that require several months or more to treat (such as behavioral health, opioid dependency, chronic health conditions, mental health conditions and high-risk pregnancies). Unlike the Rural Healthcare Program, however, the FCC is proposing to allow both urban and rural health care providers to participate in the program but is considering other limitations on eligibility, such as having a minimum percentage of uninsured or Medicaid patients or serving an area that has received a Health Resources and Services Administration's Health Professional Shortage Areas Designation. The FCC is also still considering what types of services and equipment would be funded through the program, asking several questions around the functionality of and network requirements for implementation of connected care technologies, such as remote patient monitoring devices, mobile applications and end user devices, and whether it can provide funding to health care providers to provide broadband connectivity to patients.

The FCC also seeks comment on any legal or regulatory barriers they should consider in designing the program, such as medical licensing, reimbursement or fraud and abuse laws and regulations, and the mechanisms of implementation for the program (i.e., the application process, selection criteria, forms required).

Finally, as part of the initiative, the FCC seeks to collect data about the use of, and outcomes related to, telehealth services and requests comment on, for example, what types of reporting requirements to implement and on what data points, and whether it should require participants to conduct clinical trials as part of the program.

Initial comments by interested parties are due August 29, 2019, and reply comments by September 30, 2019. If you would like assistance in preparing comments or have any questions regarding this telehealth program, or beginning a telehealth initiative, please contact:

- Mike Batt at (317) 977-1417 or mbatt@hallrender.com;
- Kiersten Kamman at (317) 977-1481 or kkamman@hallrender.com; or
- Your regular Hall Render attorney.

More information on Hall Render's Health Information Technology services can be found here.

THIS IS AN ADVERTISEMENT
© 2002-2024. Hall, Render, Killian, Heath & Lyman, P.C. All Rights Reserved.