




North Dakota Insurance Department

Jon Godfread, Commissioner

BULLETIN 2020-1.1

TO: Insurance Carriers offering Health Insurance Policies or Travel Policies in North Dakota
FROM: Jon Godfread, Commissioner 
DATE: April 29, 2020
SUBJECT: Renewal of Bulletin 2020-1, Coverage for COVID-19 (Coronavirus) testing

Bulletin 2020-1, issued on March 11, 2020, is hereby renewed.

The North Dakota Insurance Department issues this Bulletin 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 the 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 extends its appreciation to health carriers in working with the State to address this public health challenge. Since the COVID-19 situation continues to evolve, health carriers should continually assess their readiness and be prepared to make any necessary adjustments.

This bulletin applies to all health benefit plans, short-term limited duration plans, and travel insurance policies. North Dakotans enrolled in self-funded employer-based health plans that are not regulated by state law due to the Employee Retirement Income Security Act of 1974 (ERISA) should contact their employer to fully understand the scope of coverage.

The Department is asking health carriers providing coverage through health benefit plans and short-term limited duration plans to North Dakota residents to take the following immediate measures related to the potential impact of COVID-19.

- 1. Preparedness.** Health carriers should review their internal processes and operations to ensure that they are prepared to address COVID-19 cases in North Dakota, including providing insureds with information and timely access to all medically necessary covered health care services. As the COVID-19 situation continues to evolve, health carriers should continually assess their readiness and make any necessary adjustments
- 2. Information Access.** Access to accurate information and avoiding misinformation are critical. Therefore, health carriers are asked to inform insureds of available benefits, quickly respond to insured inquiries, and consider revisions needed to streamline responses and benefits for insureds. Health carriers should make all necessary and useful information available on their websites and staff their nurse-help lines accordingly.
- 3. Testing for COVID-19.** The Department asks health carriers to waive any cost-sharing, including co-pays, deductibles and coinsurance for CDC-recommended laboratory testing of COVID-19 so that the cost sharing does

not serve as a barrier to access to these important tests. In addition, health carriers are also asked to waive the cost-sharing for an in-network provider office visit, urgent care center visit and an emergency room visit when testing for COVID-19. Waiving cost-shares may be done on a retrospective case-by-case basis upon a confirmed COVID-19 diagnosis.

4. **Telehealth Delivery of Services.** Given that COVID-19 is a communicable disease, some insureds may be using telehealth services instead of in-person health care services. Health carriers are reminded to review N.D.C.C. § 26.1-36-09.15 regarding the delivery of health care services via telehealth. Health carriers are asked to review and ensure their telehealth programs with participating providers are robust and will be able to meet any increased demand.
5. **Network Adequacy and Access to Out-of-Network Services.** Health carriers are asked to verify their provider networks are adequate to handle a potential increase in the need for health care services in the event COVID-19 cases are diagnosed in North Dakota. If a health carrier does not have a health care provider in its network with the appropriate training and experience to meet the particular health care needs of an insured, health carriers are asked to make exceptions to provide access to an out-of-network provider at the in-network cost-sharing.
6. **Prior Authorization.** Health carriers are asked to waive any prior authorization requirements associated with COVID-19 testing or treatment.
7. **Immunizations.** Although a vaccine is not currently available for COVID-19, it has been reported to be in development. In the event an immunization becomes available for COVID19, the Department requests that health carriers immediately cover the immunization at no cost sharing for all covered members.
8. **Access to Prescription Drugs.** Health carriers are asked, where appropriate, to make expedited formulary exceptions if the insured is suffering from a health condition that may seriously jeopardize the insured's health, life, or ability to regain maximum function or if the insured is undergoing a current course of treatment using a non-formulary prescription drug.
9. **Surprise Medical Bills.** The Department is requesting out-of-network providers and facilities to accept the highest of the health carrier's in-network reimbursement as full and final payment and to hold harmless insureds who receive surprise medical bills for health care services as it relates to testing and treatment of COVID-19. In order to protect consumers from unexpected out of pocket costs, the North Dakota Insurance Department encourages providers to use the insured's in-network laboratory facilities.
10. **Travel Insurance.** Unless a travel insurance policy contains an exception applicable to COVID-19, a policy of travel insurance that covers the risks sickness, accident, or death incident to travel presumptively must cover such risks relating to COVID-19. The extent of coverage for health care services, emergency transportation within a foreign country, as well as the costs of returning to the United States for further treatment.

Bulletin 2020-1.1 will expire and be rescinded upon the rescission of Governor Burgum's Executive order issued on March 13, 2020, unless otherwise renewed by the department.

Health carriers and travel carriers with questions related to this Bulletin are advised to contact the Product Filing Division at 701-328-2440.