



**Office of the Lieutenant Governor
Division of Banking, Insurance and
Financial Regulation**

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BULLETIN 2020-10

TO: All Health Insurance Companies Licensed and Authorized to Offer Health Insurance Benefits in the U.S. Virgin Islands

FROM: Tregenza A. Roach, Esq., Lieutenant Governor and Commissioner of Insurance

RE: Advisory: Waiver of Cost Sharing for COVID-19 Testing

Section 6001 of the Families First Coronavirus Response Act ("FFCRA"), enacted on March 18, 2020, and as further revised by the Coronavirus Aid, Relief and Economic Security ("CARES") Act, requires health insurers that offer individual or group coverage, to cover the costs for testing in relation to COVID-19, without any cost sharing, prior authorization or other medical management requirements, and to further provide like coverage for "[i]tems and services furnished to an individual during health care provider office visits (which. . . includes in-person visits and telehealth visits), urgent care center visits, and emergency room visits that result in an order for or administration of an in vitro diagnostic [test described by law], but only to the extent such items and services relate to the furnishing or administration of such product or to the evaluation of such individual for purposes of determining the need of such individual for such product."

To assess health insurance coverage that will be provided to consumers in the U.S. Virgin Islands during the Coronavirus pandemic (also referred to as "COVID-19"), the Office of the Lieutenant Governor, Division of Banking, Insurance and Financial Regulation ("Division") submitted a Coronavirus Insurance Coverage Questionnaire to every life and health insurer licensed and authorized to conduct insurance business in the U.S. Virgin Islands, requesting a written response to each question therein no later than Friday, March 13, 2020. The Division has thoroughly analyzed the responses. The purpose of this Bulletin, therefore, is to provide written guidance on cost sharing to these licensed and authorized health insurers, as the Territory responds to the global health and economic impact of COVID-19, which the Centers for Disease Control and Prevention

describes as a pandemic of respiratory disease that is spreading from person to person and heretofore caused by a novel (new) coronavirus, initiating a serious public health risk.

“Cost sharing” within the confines of this Bulletin, is defined as the share of costs covered by insurance that a consumer pays out of his or her pocket for COVID-19 screening and testing, which generally includes deductibles, coinsurance and co-payments, or similar charges.

Pursuant to Title 22, Chapter 3, Section 53(a) of the Virgin Islands Code, *“The Commissioner shall have the authority expressly conferred upon him by or reasonably implied from the provisions of this title.”* Thus, the Virgin Islands Commissioner of Insurance (“Commissioner”) is invoking his implied emergency powers to ensure that a requirement for cost sharing is not a barrier that prevents consumers from receiving medically necessary healthcare for COVID-19 diagnostic testing. Henceforth, health insurers authorized to conduct business in the Territory are required to:

1. Waive any cost sharing, including deductibles, coinsurance and co-payments, for any visit to screen or test for COVID-19, irrespective of the setting of the testing. More specifically, in compliance with the federal Families First Coronavirus Response Act, enacted on March 18, 2020, health insurers that offer individual or group coverage, are required to cover the costs for testing in relation to COVID-19, without any cost sharing, prior authorization or other medical management requirements, and to further provide like coverage for *“[i]tems and services furnished to an individual during health care provider office visits (which. . . includes in-person visits and telehealth visits), urgent care center visits, and emergency room visits that result in an order for or administration of an in vitro diagnostic [test described by law], but only to the extent such items and services relate to the furnishing or administration of such product or to the evaluation of such individual for purposes of determining the need of such individual for such product.”*
2. Waive any cost sharing, including deductibles, coinsurance and co-payments, for laboratory fees to screen or test for COVID-19.
3. Waive any cost sharing, including deductibles, coinsurance and co-payments, for vaccination for COVID-19, when a vaccine (or immunization) becomes available.
4. Evaluate a request to use an out-of-network provider to perform diagnostic testing for COVID-19 solely on the basis of whether this is medically necessary.
5. Keep consumers informed on the health insurers website and through other public education means about available COVID-19 related benefits, specifically, that the health insurer is waiving cost sharing for COVID-19 screening and testing.
6. Respond timely to consumer inquiries about COVID-19 screening and testing.
7. Respond to COVID-19 related consumer complaints and appear before the Commissioner where required, in matters involving the health insurer’s adverse decision on cost sharing for COVID-19.
8. Notify, within fifteen days from the effective date of this Bulletin, the health insurer’s contracted providers that the health insurer is waiving cost sharing as described above.

Please contact Gwendolyn Hall Brady, Division Director (gwendolyn.brady@lgo.vi.gov) or Glendina Matthew, Division Assistant Director/Legal Counsel (Glendina.matthew@lgo.vi.gov), should you require additional information.

Dated this 11th day of May 2020 in St. Thomas Virgin Islands.



A handwritten signature in blue ink, reading "Tregenza A. Roach", written over a horizontal line.

Tregenza A. Roach, Esq.
Lieutenant Governor/
Commissioner of Insurance