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**BULLETIN 2020-03****HEALTH INSURANCE COVERAGE FLEXIBILITY FOR OHIO EMPLOYEES****Effective March 20, 2020**

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This Bulletin pertains to all health plan issuers, including insurance companies, stop loss insurers, health insuring corporations, MEWAs, non-federal governmental health plans, and other entities transacting the business of insurance in the State of Ohio, or that are subject to the jurisdiction of the Superintendent of Insurance (collectively, Insurers), that reimburse the costs of health care services under a health benefit plan in Ohio.

On March 9, 2020, Governor Mike DeWine, declared a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19, and directed state agencies to develop and implement procedures consistent with recommendations from the Department of Health designed to prevent or alleviate the public health threat. (See Executive Order 2020-01D.)

Accordingly, the Superintendent hereby orders and directs Insurers to comply with the following requirements during this state of emergency:

**Employee Eligibility**

Insurers must permit employers to continue covering employees under group policies even if the employee would otherwise become ineligible due to a decrease in hours worked per week. Insurers are required to permit employers to continue providing coverage to employees under group policies regardless of any “actively at work” or similar eligibility requirements in the policy. Additionally, Insurers are prohibited from increasing premium rates based on a group’s decreased enrollment or participation due to COVID-19.

**Grace Period for Premium Payment**

All Insurers are to give their insureds the option of deferring premium payments coming due, interest free, for up to 60 calendar days from each original premium due date.

**Continuation Coverage**

For employers that employ 20 or more employees, as long as one person remains actively employed, eligible employees may elect to continue coverage under COBRA under the normal notice and election procedures.

For employers that employ fewer than 20 people, as long as one person remains actively employed and enrolled in the plan, eligible employees may elect to continue coverage under state continuation coverage for up to twelve months. Insurers should work with employers to ensure employees receive the appropriate notice of these options.

If no active employees remain covered under a plan, COBRA and continuation coverage are not options and employees will be eligible for a special enrollment period.

### Special Enrollment

Employees who lose coverage are eligible for a special enrollment period to enroll in new coverage. Premium subsidies may be available for those that qualify by purchasing plans on the federal exchange. Plans sold on the federal exchange are effective the first day of the next month after enrollment. For those purchasing policies sold outside of the federal exchange, Insurers shall waive normal special enrollment procedures and allow applicants to obtain coverage effective the day after their loss of employment.

The Superintendent will not take enforcement action with respect to filed forms and rates against Insurers that adjust their policies and practices to provide the flexibility required by this bulletin.

This Bulletin expires upon the expiration of the state of emergency declared by Governor DeWine on March 9, 2020.

Superintendent of Insurance



Jillian Froment Director

**BULLETIN 2020-04****TEMPORARY SUSPENSION OF PHARMACY AUDITS  
DURING DECLARED STATE OF EMERGENCY****Effective March 20, 2020**

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This Bulletin pertains to all Third Party Administrators, including Pharmacy Benefit Managers, health insurance companies, and other entities licensed pursuant to the laws of Ohio relating to insurance (collectively, Administrators).

On March 9, 2020, Governor Mike DeWine declared a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19, and directed state agencies to develop and implement procedures consistent with recommendations from the Department of Health designed to prevent or alleviate the public health threat. (See Executive Order 2020-01D.)

Since that declaration of emergency, Governor DeWine has ordered restrictions on activities affecting commerce in this state to prevent the spread of COVID-19, and the Ohio Department of Health has issued orders designed to ensure front line health care workers are best able to address health concerns.

The Superintendent of Insurance (“Superintendent”) has received concerns about the potential of diverting important resources away from insureds’ prescription drug services if pharmacies are subject to audits in the normal course of business by Administrators during the current state of emergency.

Accordingly, the Superintendent hereby orders and directs Administrators to suspend pharmacy audits during this state of emergency.

Conducting or attempting to conduct pharmacy audits during this state of emergency may be considered a fraudulent, coercive, or dishonest practice, and may subject an Administrator to legal action, including but not limited to, license suspension and/or monetary fines. (See, e.g., R.C. 3959.12.)

This Bulletin expires upon the expiration of the state of emergency declared by Governor DeWine on March 9, 2020.

Superintendent of Insurance



Jillian Froment  
Director

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**BULLETIN 2020-05****COVID-19 TESTING AND TREATMENT:  
OUT-OF-NETWORK COVERAGE****Effective March 20, 2020**

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This Bulletin pertains to all health plan issuers, including insurance companies, health insuring corporations, MEWAs, non-federal governmental health plans, and other entities transacting the business of insurance in the State of Ohio, or that are subject to the jurisdiction of the Superintendent of Insurance (collectively, Insurers), that reimburse the costs of health care services under a health benefit plan in Ohio.

On March 9, 2020, Governor Mike DeWine declared a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19, and directed state agencies to develop and implement procedures consistent with recommendations from the Department of Health designed to prevent or alleviate the public health threat. (See Executive Order 2020-01D.)

The Superintendent of Insurance (“Superintendent”) recognizes that, as part of the ongoing effort to contain and treat the COVID-19 virus, testing and treatment for COVID-19 may be geographically regionalized – meaning, testing and treatment will be provided by designated hospitals throughout the state. While many Insurers have network agreements with these hospitals, there may be some cases where an insured is directed to a hospital for treatment and testing that is out-of-network under their health plan’s coverage.

Accordingly, the Superintendent hereby orders and directs that:

1. Emergency medical conditions under Ohio law include testing and treatment related to the COVID-19 virus. These emergency services must be covered without preauthorization and must be covered at the same cost sharing level as if provided in-network. COVID-19 testing and treatment are necessarily emergency services because symptoms of COVID-19 would result in a prudent layperson with an average knowledge of health and medicine to reasonably expect the lack of medical attention to result in serious harm.
2. As a result Insurers must cover emergency medical conditions in accordance with applicable law. Insurers must provide benefits with respect to an emergency service in an amount at least equal to the greatest of the amount negotiated with in-network providers, the amount calculated using the same method the plan generally uses to determine payments for out-of-network services, or the amount that would be paid under Medicare. Additionally, health insuring corporations providing coverage in Ohio must ensure coverage for out-of-network emergency services without balance billing.

Superintendent of Insurance



Jillian Froment  
Director