

## **PROGRAM-SPECIFIC PLAN FOR THE FEDERAL COMMUNICATIONS COMMISSION'S COVID-19 TELEHEALTH PROGRAM**

The following is a report on the Federal Communications Commission (FCC) Coronavirus Aid Relief and Economic Security Act (CARES Act) spending plan in accordance with section 15011(b)(1)(B) (Pub. L. No 116-136, 134 Stat. 281) (2020) which requires the agency to submit a plan describing how it will use the covered funds. The FCC is utilizing the covered funds by distributing this support through the COVID-19 Telehealth Program (Telehealth Program).

### **Program Purpose**

The Telehealth Program provides \$200 million in funding, as appropriated to the FCC as part of the CARES Act to help eligible health care providers provide telehealth services to patients at their homes or mobile locations in response to the COVID-19 pandemic. The Telehealth Program provides direct support to eligible health care providers responding to the coronavirus disease of 2019 (COVID-19) pandemic by funding the telecommunications services, information services, and devices necessary to enable the provision of telehealth services. The FCC will review applications on a rolling basis and commit Telehealth Program funds until exhausted or the COVID-19 pandemic has ended.

### **Health Care Provider Eligibility**

The Telehealth Program is open to eligible health care providers whether located in rural or non-rural areas or U.S. territories. The Telehealth Program is limited to nonprofit and public eligible health care providers that fall within the categories of health care providers in section 254(h)(7)(B) of the Communications Act of 1934, as amended:

(1) post-secondary educational institutions offering health care instruction, teaching hospitals, and medical schools; (2) community health centers or health centers providing health care to migrants; (3) local health departments or agencies; (4) community mental health centers; (5) not-for-profit hospitals; (6) rural health clinics; (7) skilled nursing facilities; or (8) consortia of health care providers consisting of one or more entities falling into the first seven categories.

For purposes of the Telehealth Program, which is authorized by the CARES Act, and not the Communications Act, both rural and non-rural health clinics are eligible to receive funding.

### **Spending Plan**

Pursuant to the CARES Act, the FCC established the Telehealth Program in a Report and Order released on April 2, 2020 in response to the public health emergency brought about by the COVID-19 pandemic. Through this program, the FCC will distribute up to \$200 million appropriated by Congress to help eligible health care providers provide telehealth services to patients in response to the pandemic.

Funding is available to nonprofit and public eligible health care providers, as described above, seeking support to purchase telecommunications services, information services, and connected devices necessary to provide telehealth services to patients in response to the COVID-19 pandemic. Eligible

health care providers must first file an application for funding through the FCC’s application portal. Awards are made on a rolling basis and are based on the estimated costs of the eligible services and connected devices applicants intend to purchase, as described by each applicant in their respective applications and supporting documentation. Applicants receive notice of their award amounts via a funding commitment letter.

The Telehealth Program is a reimbursement program. An applicant that received a funding commitment (“funding recipient”) must first pay the vendor or service provider for the costs of the eligible services and/or connected devices received before requesting reimbursement for those costs from the Telehealth Program. After a funding recipient has paid for and received the eligible items, it can then invoice the FCC for the cost of the eligible services and/or connected devices up to the amount of its funding commitment. Funding recipients must be registered with the federal System for Award Management (SAM) to invoice the FCC. Funding commitments are recorded in the FCC’s financial system, and once funding recipients are enrolled in the U.S. Department of the Treasury’s Bureau of the Fiscal Service Invoice Processing Platform (IPP), they may begin submitting invoices to the FCC. To request a reimbursement for the cost of the eligible items, funding recipients are required to submit and make certifications on the reimbursement request form and provide supporting documentation verifying purchases made under the Telehealth Program.

Pursuant to the Report and Order, the FCC does not anticipate awarding more than \$1 million to a single applicant. Along with other program updates and information, a list of Telehealth Program Awardees is posted on the FCC’s COVID-19 Telehealth Program webpage under the “Releases” tab at <https://www.fcc.gov/covid-19-telehealth-program>.

## Objectives

The FCC’s objectives align with the CARES Act appropriation directive “to support efforts of health care providers to address coronavirus by providing telecommunications services, information services, and devices necessary to enable the provision of telehealth services” during the pendency of the COVID-19 pandemic. In keeping with this objective, and due to the urgency attendant in supporting the health care community in combatting the COVID-19 pandemic, the Report and Order outlined several guiding principles for awarding Telehealth Program funds:

- Review Telehealth Program applications and announce selected participants and funding amounts for each selected applicant as rapidly as possible on a rolling basis;
- Consider those areas that have been hardest hit by COVID-19 and target funds towards those and other areas where the funding would have the most impact on addressing the health care needs;
- Approach funding awards with the flexibility to distribute support where it is most needed. For example:
  - while not targeting Telehealth Program funding toward specific medical conditions, patient populations, or geographic areas, the FCC strongly encouraged applicants to focus the funding they receive on high-risk and vulnerable patients to the extent practicable.

- Not limit funding to treating COVID-19 patients as long as program funds are used “to prevent, prepare for, and respond to coronavirus,” recognizing that treating other types of conditions or patient groups could free up resources, allow for remote treatment of patients with other conditions who could risk contracting COVID-19 disease by visiting a health care facility, and also help reduce health care professionals’ unnecessary exposure to the disease.
- Permit funding recipients to use awarded support to purchase necessary eligible services and connected devices instead of requiring applicants to purchase only the services and connected devices identified in their applications.
- Allow funding recipients that have exhausted initially awarded funding to request additional support.
- Provide outreach and assistance to applicants and funding recipients, as needed, to promote a user-friendly application and invoice process.
  - For example, applicants needing assistance with the application process receive assistance from FCC staff by using a dedicated email address for help: [TelehealthApplicationSupport@fcc.gov](mailto:TelehealthApplicationSupport@fcc.gov)
- Maintain program safeguards to protect the Telehealth Program from fraud, waste and abuse (see section below: “Program Integrity Mechanisms”).

## Completed Program Activities and Program Milestones

### Overview

After releasing the Report and Order on April 2, 2020, the Commission stood up an application process to begin accepting applications and awarding funds under the Telehealth Program. The FCC began to receive applications on April 13, 2020 and approved its first set of awards on April 16, 2020. Batches of awards have been committed on a weekly basis.

As of June 24, 2020, the FCC had approved a total of \$157.64 million in funding for 444 applications in both urban and rural areas of the country in 46 states plus Washington, DC. The following are releases documenting various FCC program milestones:

- *Adopted a Report and Order to FCC Fights COVID-19 with \$200M* - Order (FCC 20-44), released 04/02/2020
- *Provided Application Guidance for the COVID-19 Telehealth Program* - Public Notice (DA 20-394), released 04/08/2020
- *Began Accepting Applications for the Telehealth Program April 13, 2020*, News Release, released 04/10/2020
- *Approved First Set of COVID-19 Telehealth Program Applications* - News Release, released 04/16/2020
- *Provided Invoicing Guidance for the COVID-19 Telehealth Program* - Public Notice (DA 20-425), released 04/17/2020
- *Waived the Red Light Rule for the COVID-19 Telehealth Program* - Public Notice (DA 20-436), released 04/21/2020

## Planned Activities

The Commission will continue to:

1. Review applications submitted through the portal and award Telehealth Program funding to applicants on a rolling basis until the funding is exhausted. The FCC anticipates exhausting the funding by mid-July or shortly thereafter. Until then, the FCC currently plans to release a batch of new awards on a weekly basis.
2. Process invoices submitted for reimbursement under the Telehealth Program.
3. Pursuant to guidance from the Office of Management and Budget (OMB), submit the information required under Section 15011(b)(1),(2) through the reporting framework associated with [www.usaspending.gov](http://www.usaspending.gov). See OMB Memorandum, M-20-21, Implementation Guidance for Supplemental Funding Provided in Response to the Coronavirus Disease 2019 (COVID-19) (rel. April 10, 2020).

## Program Integrity Mechanisms

The FCC relies on the Government Accountability Office's *Standards for Internal Control in the Federal Government* ("Green Book") in developing and operating its programs and functions. With the Green Book framework as background, the FCC was able to set up this program with strong preventative internal controls. In its Report and Order and through the processes set up to implement the Telehealth Program, the FCC has adopted program safeguards to prevent waste, fraud and abuse. Examples of program safeguards are listed below.

- Participating health care providers are prohibited from selling, reselling, or transferring services or devices funded through the Telehealth Program in consideration for money or any other thing of value.
- Requiring connected devices and services such as patient-reported outcome platforms funded through the Telehealth Program to be integral to patient care.
- Participants in the Telehealth Program must maintain records related to their participation in the COVID-19 Telehealth Program to demonstrate their compliance with the program requirements for at least three years from the last date of service under this program and must present that information to the FCC or its delegates upon request.
- Requiring certifications from applicants and funding recipients as part of the application and invoice process. For example, below are the certifications required on the Request for Reimbursement Form which must be submitted with a funding recipient's invoice request:
  - I certify under penalty of perjury that the health care provider(s) listed in this request have received the COVID-19 Telehealth Programs supported services and devices listed herein.
  - I certify under penalty of perjury that I have examined this form and attachments and, to the best of my knowledge, information, and belief, all information contained therein is true and correct.
  - I acknowledge and certify under penalty of perjury that COVID-19 Telehealth Program funds are to be used for their intended purpose.
  - I acknowledge and certify under penalty of perjury that all documentation associated with this form, including all billing records for services and/or connected devices

received, must be retained for a period of at least three years after the last date of delivery of the supported-services and/or connected devices provided through the COVID-19 Telehealth Program to demonstrate compliance with COVID-19 Telehealth Program rules and requirements, subject to audit.

- I certify under penalty of perjury that the health care provider(s) listed in this form, to the best of my knowledge, is not already receiving or expecting to receive other funding (from any source, private, state, or federal) for the exact same services or devices eligible for support under the COVID-19 Telehealth Program.
- Requiring applicants to be registered in the Commission Registration System (CORES) to be able to submit applications for Telehealth Program funding.
- Requiring applicants to register in SAM to ensure that the FCC can verify identifying information provided by the applicants.
- Putting into place a rigorous application review process to ensure that applicants' proposed use of the funds meets the requirements of the Telehealth Program.
- Using the U.S. Department of the Treasury's Bureau of the Fiscal Service's Do Not Pay system to check the financial status of applicants before awarding any funds to them.
- Putting into place a rigorous invoice review process to ensure that funding recipients are only reimbursed for eligible items used by eligible health care providers.
- Participants in the Telehealth Program will be subject to the Single Audit Act if they meet the relevant threshold for receiving federal funds in a single year.

## **Long Term Costs**

There are no long-term costs associated with this CARES Act funding and implementation of the Telehealth Program. The additional workload created at the FCC due to the receipt of funding is being absorbed within existing FCC resources. The FCC has primarily relied on existing staff for program implementation, administrative support, and its application review and invoice review efforts, but has also augmented these teams with several new hires and with support from staff across the agency.

## **CONTACT US**

For further information or for contact information, please go to the COVID-19 Telehealth Program webpage by visiting <https://www.fcc.gov/covid19telehealth>.