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BULLETIN NO. 20-19

TO: ALL AUTOMOBILE INSURERS THAT PROVIDE MEDICAL EXPENSE BENEFITS UNDER PERSONAL INJURY PROTECTION COVERAGE IN THIS STATE

FROM: MARLENE CARIDE, COMMISSIONER

RE: USE OF TELEMEDICINE AND TELEHEALTH DURING THE COVID-19 PANDEMIC – PERSONAL INJURY PROTECTION COVERAGE

On March 9, 2020, Governor Phil Murphy declared a state of emergency and public health emergency through the issuance of Exec. Order No. 103 (March 9, 2020) ___ N.J.R. ___ (“EO 103”) to contain the spread of the Coronavirus (“COVID-19”) pandemic. The Department of Banking and Insurance (“Department”) is issuing this Bulletin to provide guidance to all automobile insurers that provide medical expense benefits under Personal Injury Protection (“PIP”) coverage (collectively, “PIP carriers”) in this State regarding the use of telemedicine and telehealth, as defined in P.L. 2017, c.117, during the COVID-19 pandemic.

Effective immediately and continuing for the duration of the state of emergency and public health emergency declared pursuant to EO 103, the Department is requiring that PIP carriers:

- review or establish their telemedicine and telehealth networks to ensure adequacy given the increased demand;
- encourage network providers to utilize telemedicine or telehealth services wherever possible and clinically appropriate to diagnose and treat PIP injuries during the ongoing public health emergency, in order to minimize exposure of provider staff and other patients to those who may have the COVID-19 virus;
- update their procedures to include reimbursement for telehealth services that are provided by a provider in any manner that is practicable and appropriate, including by telephone. PIP carriers should disseminate information on their website, or other reasonable means, to notify individuals of these updates. This would include the use of telephone-only communications to establish a physician-patient relationship and the expanded use of telehealth for the diagnosis, treatment, ordering of tests, and prescribing. PIP carriers are required to update telehealth policies to include telephone-only services within the definition of telehealth;
- reimburse providers that deliver covered services to claimants via telemedicine or telehealth in accordance with this guidance. Carriers may establish requirements for such

telemedicine and/or telehealth services, similar to those developed by health insurance carriers in accordance with P.L. 2020, c.3, and guidance issued by the Department, including documentation and recordkeeping, but such requirements may not be more restrictive than those for in-person services. Carriers are not permitted to impose any specific requirements on the technologies used to deliver telemedicine and/or telehealth services (including any limitations on audio-only or live video technologies) during the state of emergency and public health emergency declared pursuant to EO 103;

- ensure that the payment to providers for services delivered via telemedicine or telehealth are not lower than would typically be paid for services rendered via traditional (i.e., in-person) methods, and PIP carriers must notify providers of any instructions that are necessary to facilitate billing for such telehealth services;
- may not impose any restriction on the reimbursement for telehealth or telemedicine that requires that the provider who is delivering the services be licensed in a particular state, so long as the provider is in compliance with P.L. 2020, c. 4 and this guidance; and
- may not impose additional prior authorization requirements on medically-necessary treatment that is delivered via telemedicine or telehealth, instead of via traditional methods, during this public health emergency.

If you have any questions, please contact Carl Sornson, Assistant Commissioner of the Department's Office of Property and Casualty at carl.sornson@dobi.nj.gov.



April 24, 2020
Date

Marlene Caride
Commissioner

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