

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Promoting Telehealth in Rural America ) WC Docket No. 17-310  
 )

ORDER

Adopted: November 30, 2020

Released: November 30, 2020

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we amend our prior decision, adopted in the *December 2019 Public Notice*, to delay the effective date of certain rule changes introduced in the *Promoting Telehealth Report and Order*.<sup>1</sup> Specifically, in light of changed circumstances, we find that these rules should be implemented as soon as possible, and hence this Order accelerates the effective date of those rules, thereby ensuring that the updated site and service substitution rules, corrective and operational Service Provider Identification Number (SPIN) change rules, service delivery deadline extension rules, and invoicing deadline extension rules adopted in the *Promoting Telehealth Report and Order* will be fully effective for the remainder of funding year 2020.<sup>2</sup> We anticipate that this action will help Rural Health Care (RHC) Program participants, now faced with the challenges of the COVID-19 pandemic, address changing circumstances in the current funding year and beyond.

II. BACKGROUND

2. The RHC Program has two component programs: (1) the Telecom Program, which permits eligible health care providers to apply for discounts to defray the high cost of eligible telecommunications services in rural areas;<sup>3</sup> and (2) the Healthcare Connect Fund Program, which supports delivery of broadband services and development of state and regional health care networks.<sup>4</sup> In August 2019, the Commission released the *Promoting Telehealth Report and Order*, which updated the rules for both the Telecom and the Healthcare Connect Fund Programs. Among other changes, the Commission expanded site and service substitution rules available in the Healthcare Connect Fund Program to the Telecom Program;<sup>5</sup> amended the SPIN change process to allow for corrective and operational changes in both programs;<sup>6</sup> established June 30 as the service delivery deadline date for all

<sup>1</sup> *Wireline Competition Bureau Provides Guidance on the Implementation Schedule for Reforms Adopted by the Rural Health Care Program Promoting Telehealth Report and Order*, Public Notice, WC Docket No. 17-310, 34 FCC Rcd 11983, 11985 (WCB 2019) (*December 2019 Public Notice*). See also *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335 (2019) (*Promoting Telehealth Report and Order*).

<sup>2</sup> Funding year 2020 began on July 1, 2020 and runs through June 30, 2021.

<sup>3</sup> *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 34 FCC Rcd 4136, 4136, para. 2 (2019).

<sup>4</sup> *Id.*

<sup>5</sup> *Promoting Telehealth Report and Order*, 34 FCC Rcd at 7425, para. 194; 47 CFR § 54.624.

<sup>6</sup> *Promoting Telehealth Report and Order*, 34 FCC Rcd at 7427, para. 198; 47 CFR § 54.625.

services and authorized the Universal Service Administrator to grant a one-year service delivery deadline extension for all non-recurring services;<sup>7</sup> and established a uniform invoice filing deadline across both the HCF and Telecom Programs, as well as a one-time 120-day invoice filing deadline extension.<sup>8</sup>

3. The *Promoting Telehealth Report and Order* specified that the rule changes subject to this Order would become effective for funding year 2020 but recognized the effective date of rule changes requiring the approval of the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act (PRA) may become effective at a later date.<sup>9</sup> On December 10, 2019, the Wireline Competition Bureau issued the *December 2019 Public Notice*, which delayed the effective date of certain rule changes requiring PRA approval, including those addressed herein, because OMB would not complete its review before the competitive bidding process for funding year 2020 commenced on January 1, 2020.<sup>10</sup> OMB subsequently issued the required PRA approvals on May 22, 2020.<sup>11</sup>

### III. DISCUSSION

4. Through this Order we ensure that the rule changes in the *Promoting Telehealth Report and Order* adopting site and service substitutions for the Telecom Program, amending the SPIN change process to allow for corrective and operational changes across both the Healthcare Connect Fund and Telecom Programs, establishing a service delivery deadline of June 30 while permitting a one-year extension of the service delivery deadline, and permitting a one-time 120-day invoice filing extension will be effective for the remainder of funding year 2020. While the *December 2019 Public Notice* pushed back the effective dates for all rule changes requiring PRA approval to funding year 2021, now that such PRA approval has been obtained and in light of changed circumstances arising from the COVID-19 emergency, we recognize that making these aforementioned rules effective for funding year 2020 could provide helpful flexibility to health care providers during the current funding year. Accordingly, we amend our earlier action in the *December 2019 Public Notice* so that the updated site and service substitution rules, corrective and operational SPIN change rules, and service delivery deadline and invoicing deadline extension rules will become effective for the remainder of funding year 2020, 30 days after publication in the Federal Register.<sup>12</sup>

5. The COVID-19 pandemic has caused an unprecedented medical emergency, highlighting the need for remote telehealth options to treat and save the lives of Americans. We anticipate that the rule changes we make effective for the remainder of funding year 2020 will help health care providers with changing circumstances as they serve patients in rural areas during this COVID-19 pandemic. We take this action to amend the effective date of the rules to provide health care providers with increased flexibility to make changes to funding requests and seek extensions of RHC Program deadlines. The

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<sup>7</sup> *Promoting Telehealth Report and Order*, 34 FCC Rcd at 7420-21, paras. 182-183; 47 CFR § 54.626.

<sup>8</sup> *Promoting Telehealth Report and Order*, 34 FCC Rcd at 7422-24, paras. 188-191; 47 CFR § 54.627.

<sup>9</sup> See *Promoting Telehealth Report and Order*, 34 FCC Rcd at 7433-34, paras. 213-14, 218-19; Paperwork Reduction Act of 1995, Pub. L. No. 104-13 (codified at 44 U.S.C. §§ 3501-21).

<sup>10</sup> *December 2019 Public Notice*, 34 FCC Rcd at 11985.

<sup>11</sup> Notice of Office of Management and Budget Action, Universal Service-Rural Health Care Program, OMB Control No. 3060-0804 (May 22, 2020) <https://www.reginfo.gov/public/do/DownloadNOA?requestID=304855>.

<sup>12</sup> In taking this action, we moot a petition for waiver filed by GCI Communication Corp. (GCI) in June 2020 seeking to revert the effective date of the site and service substitution rules to funding year 2020 because GCI's requested relief has largely been granted. *Petition for Waiver of GCI Communication Corp.*, WC Docket No. 17-310 (filed June 23, 2020). Cf. *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al Noor High School et al.; Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223 (WCB 2012) (dismissing as moot requests for review where USAC approved the underlying funding request). In order to prevent confusion and harmonize the effective dates of the rules covered by this Order, we deny GCI's petition for waiver to the extent it seeks to make the site and service substitution rules effective before the effective date we establish in this Order.

rules that are the subject of this Order were intended to harmonize requirements between the Telecom and Healthcare Connect Fund Programs and reduce administrative burdens on health care providers. Amending the effective date of these rules will, among other things, allow health care providers to seek extensions of the service delivery deadlines and invoice deadlines, make site and service substitution requests, and make SPIN changes. The COVID-19 pandemic is a heavy burden on health care providers, and our amendment of the effective date of the rules will assist program participants as they work to treat patients during the health emergency. Accordingly, we find good cause exists given the urgent health care crisis to dispense with additional notice and comment, to the extent such notice and comment would normally be appropriate, before taking this action.<sup>13</sup> We note that today's Order is consistent with the Wireline Competition Bureau's prior actions in response to the COVID-19 pandemic, waiving filing deadlines and other administrative requirements to increase broadband connectivity and administrative flexibility for health care providers.<sup>14</sup>

6. This Order will become effective 30 days following publication in the Federal Register. Any program participants seeking site and service substitutions or SPIN changes for the portion of funding year 2020 prior to the effective date of this Order may seek a waiver of the Commission's rules. Additionally, in the event that a program participant is negatively impacted by any of the actions taken in this Order, it may file a petition for waiver seeking relief from the updated effective date and request to use the rules predating the *Promoting Telehealth Report and Order* through funding year 2020.<sup>15</sup>

7. The Universal Service Administrative Company (USAC), the Universal Service Administrator, is currently working to implement technology changes that will allow program participants to make filings requesting changes consistent with the *Promoting Telehealth Report and Order*. In conjunction with the implementation of the new rules, USAC is updating its information technology systems to allow program participants to file the appropriate forms; however, those changes have not been implemented. Currently, USAC is working under a schedule stemming from the *December 2019 Public Notice*, in which the changes were to be implemented prior to the start of funding year 2021. We expect that USAC will have implemented all technology deployments related to these rule changes before the end of funding year 2020. Because invoice extension requests and service delivery deadline requests occur at the end of the funding year, there should be no need for health care providers to make these requests before USAC is in position to accept such requests. Some health care providers, however, will likely wish to make SPIN change and site and service substitution requests mid-year. To ensure that they can request these changes throughout the year, we direct USAC to develop and publicize within 30 days of publication of this Order in the Federal Register, an interim system for processing site and service substitutions and SPIN changes that will be available until USAC launches its permanent technological solution.

#### IV. ORDERING CLAUSES

8. ACCORDINGLY, IT IS ORDERED that pursuant to the authority in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91 and 0.291, that we amend the effective date of sections 54.624, 54.625, 54.626, and 54.627 of the Commission's rules, 47 CFR §§ 54.624, 54.625, 54.626, and 54.627, as indicated herein.

9. IT IS FURTHER ORDERED that, the petition for waiver regarding the effective date of section 54.624 of the Commission's rules, 47 CFR § 54.624, filed on June 23, 2020 by GCI

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<sup>13</sup> See 5 U.S.C. § 553(b)(B).

<sup>14</sup> See *Rural Health Care Universal Service Support Mechanism; School and Libraries Universal Service Support Mechanism*, WC Docket No. 02-60; CC Docket No. 02-6, Order, DA 20-1021 (WCB rel. Sep. 3, 2020); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, DA 20-345 (WCB rel. Mar. 26, 2020).

<sup>15</sup> See 47 CFR § 1.3.

Communication Corp. IS DISMISSED in part as moot and DENIED in part to the extent described herein.

10. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this order SHALL BE EFFECTIVE 30 days after publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith  
Chief  
Wireline Competition Bureau