



PUBLIC NOTICE

Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

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WIRELINE COMPETITION BUREAU AND OFFICE OF THE MANAGING DIRECTOR SET JULY 31, 2021 INVOICING DEADLINE FOR COVID-19 TELEHEALTH PROGRAM AND PROVIDE POST-PROGRAM GUIDANCE

WC Docket No. 20-89

By this Public Notice, the Wireline Competition Bureau (WCB) and the Office of the Managing Director (OMD) establish a July 31, 2021, invoicing deadline for the COVID-19 Telehealth Program. We also provide COVID-19 Telehealth Program funding awardees (Awardees) with additional information on the post-program report, which Awardees should file with the Commission no later than January 31, 2022. Additionally, we remind Awardees of the program's recordkeeping and auditing requirements.

As part of the Coronavirus Aid, Relief, and Economic Security Act, Congress appropriated \$200 million to the Federal Communications Commission (Commission) "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."¹ On April 2, 2020, the Commission established the COVID-19 Telehealth Program to administer the \$200 million in congressionally appropriated funding.² The Commission issued funding awards for 539 applications from April 16, 2020 through July 8, 2020, when the appropriated \$200 million budget was exhausted.³ WCB set an initial deadline of September 30, 2020 for Awardees to purchase eligible connected devices and implement eligible services,⁴ but extended that deadline to December 31, 2020, after receiving multiple requests from Awardees that needed more time to purchase connected devices and/or implement services or that were experiencing delays.⁵

Invoicing Deadline. As directed by the Commission, WCB and OMD developed a process for reviewing Awardees' monthly invoicing forms and supporting documentation.⁶ To further facilitate the administration of the COVID-19 Telehealth Program, we now set an invoicing filing deadline of July 31,

¹ Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281 (2020) (CARES Act).

² See *Promoting Telehealth for Low-Income Consumers; COVID-19 Telehealth Program*, WC Docket Nos. 18-213, 20-98, Report and Order, 35 FCC Rcd 3366 (2020) (*Report and Order*).

³ Federal Communications Commission, Press Release, FCC Approves Final Set of COVID-19 Telehealth Program Applications (July 8, 2020), <https://docs.fcc.gov/public/attachments/DOC-365417A1.pdf>.

⁴ *Wireline Competition Bureau Provides Guidance on the COVID-19 Telehealth Program Application Process*, WC Docket No. 20-89, Public Notice, 35 FCC Rcd 3052 (WCB Apr. 8, 2020) (*Application Guidance Public Notice*).

⁵ *Wireline Competition Bureau Extends the COVID-19 Telehealth Program September 30, 2020 Purchase and Implementation Deadline*, WC Docket No. 20-89, Public Notice, 35 FCC Rcd 10580 (WCB Sept. 28, 2020) (*Deadline Extension Public Notice*).

⁶ See *Report and Order*, 35 FCC Rcd at 3381, para. 29; see also *Wireline Competition Bureau and Office of Managing Director Provide Invoicing Guidance for the COVID-19 Telehealth Program*, 35 FCC Rcd 3564 (WCB Apr. 17, 2020).

2021.⁷ Per the COVID-19 Telehealth Program's requirements, Awardees have until December 31, 2020 to purchase eligible connected devices and implement eligible services,⁸ and can receive up to six months of support for eligible services with monthly recurring charges.⁹ An invoicing deadline is necessary for efficient administration of the COVID-19 Telehealth Program and provides certainty to Awardees.¹⁰ Thus, we find a deadline of seven months after the purchase/implementation deadline of December 31, 2020 appropriate because it provides a reasonable timeframe for Awardees to receive their eligible services and connected devices and timely file their requests for reimbursement along with supporting documentation to the Commission. Accordingly, Awardees must file their requests for reimbursement for the cost of eligible connected devices and/or telecommunications or information services on or before July 31, 2021, in order to receive reimbursement for eligible expenses under the COVID-19 Telehealth Program.¹¹

Post-Program Report. As part of the *Report and Order*, the Commission stated that Awardees should provide a report to the Commission on the effectiveness of the COVID-19 Telehealth Program funding no later than six months after the conclusion of the COVID-19 Telehealth Program.¹² Awardees, therefore, should submit their post-program reports by January 31, 2022—six months after the invoicing deadline.¹³ These reports will provide the Commission with important feedback on whether and how the COVID-19 Telehealth Program funding impacted health outcomes, patient treatment, health care facility administration, and any other relevant aspects of Awardees' response to COVID-19.¹⁴ Appended to this Public Notice is a post-program report template, which contains a list of questions that Awardees should respond to when developing their post-program report.¹⁵ We also encourage Awardees to provide any additional feedback as part of the post-program report. Once completed, Awardees should file their completed report(s) in WC Docket No. 20-89 in the Commission's electronic comment filing system, available at <https://www.fcc.gov/ecfs/>.¹⁶

⁷ The Administrative Procedure Act requires agencies to provide stakeholders with notice of, and an opportunity to comment on, proposed rules. See 5 U.S.C. §§ 553(b)-(c). However, rules of agency procedure, organization, or practice are excepted from this requirement. See 5 U.S.C. § 553(b)(A). We find that setting an invoice filing deadline is a rule of agency procedure, and thus excepted from the notice and comment requirement.

⁸ *Deadline Extension Public Notice*, 35 FCC Rcd at 10580.

⁹ *Application Guidance Public Notice*, 35 FCC Rcd at 3055.

¹⁰ See, e.g., *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335, 7423, para. 189 (2019) (noting that filing deadlines are necessary for the efficient administration of the RHC Program and provide certainty to program participants).

¹¹ The Commission will not accept original requests for reimbursement filed after the invoicing deadline. Awardees may resubmit requests for reimbursement in instances where an original request for reimbursement was submitted on or before July 31, 2021, but rejected on or after that date.

¹² *Report and Order*, 35 FCC Rcd at 3383, para. 34.

¹³ For Awardees that received reimbursements on behalf of multiple health care providers, the lead health care provider may file a single report on behalf of all its participating health care providers.

¹⁴ *Id.*

¹⁵ The appended template will be submitted to the Office of Management and Budget as a non-substantive change to the currently approved information collection, OMB Control No. 3060-1271. Once approved, the template will be made available on the Commission's website along with other COVID-19 Telehealth Program information, here: <https://www.fcc.gov/covid-19-telehealth-program>.

¹⁶ If Awardees have concerns about the confidentiality of any information provided in their post-program report, they may request that their report be withheld from public inspection pursuant to 47 CFR § 0.459 of the Commission's rules.

Program Rules and Reminders. As a reminder, Awardees must maintain records related to their participation in the COVID-19 Telehealth Program for at least three years from the last date of service under this program to demonstrate their compliance with program requirements.¹⁷ Awardees must present any records related to their participation in the COVID-19 Telehealth Program to the Commission or its delegates upon request.¹⁸ Awardees may also be subject to compliance audits to ensure compliance with rules and requirements for the COVID-19 Telehealth Program.¹⁹ If audited, Awardees must provide documentation related to their participation in the COVID-19 Telehealth Program.²⁰

Additional Information. For further information regarding this Public Notice, please contact Stephanie Minnock, Assistant Division Chief, Telecommunications Access Policy Division, Wireline Competition Bureau, stephanie.minnock@fcc.gov or 202-418-1953. For more information about the COVID-19 Telehealth Program, please refer to the Commission's website at www.fcc.gov/covid19telehealth.

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¹⁷ *Report and Order*, 35 FCC Rcd at 3383, para. 32.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

APPENDIX***COVID-19 Telehealth Program Post-Program Report Template*****BASIC INFORMATION**

Funding Awardee Name: _____

Participating Health Care Provider Name(s): _____

Health Care Provider Number(s): _____

Funding Commitment Number: _____

Funding Commitment Amount: _____

Funding Disbursement Amount: _____

FUNDING USE

1. What connected devices and/or service(s) did you purchase and/or implement using COVID-19 Telehealth Program funding?
2. Roughly what percentage of the COVID-19 Telehealth Program funding you received was spent on connected devices? Roughly what percentage was spent on telecommunications and information services?

OUTCOMES

If relevant, please include anonymized staff, patient, and/or community accounts in response to the below questions. You may also provide any aggregated, anonymized metrics (e.g., the number of telehealth visits provided) that you tracked concerning the provision of telehealth services using COVID-19 Telehealth Program funded services or connected devices.

3. Did your staff, patients, and/or the larger community benefit from using the connected devices and/or services purchased with COVID-19 Telehealth Program funding? If so, how?
 - a. Did the connected devices and/or services purchased/implemented using COVID-19 Telehealth Program funding affect health outcomes for patients? If so, how?
 - b. Did the connected devices and/or services purchased/implemented using COVID-19 Telehealth Program funding help you expand your provision of telehealth services? If so, how?
 - c. Did the connected devices and/or services purchased/implemented using COVID-19 Telehealth Program funding affect patient treatment protocols? If so, how?
 - d. Did the connected devices and/or services purchased/implemented using COVID-19 Telehealth Program funding affect health care facility administration? If so, how?
4. What connected devices and/or service(s) purchased using COVID-19 Telehealth Program funding did you find the most useful in preventing, preparing for, or responding to COVID-19?
5. Was the COVID-19 Telehealth Program funding you received used to promote telehealth innovation? If so, how?
6. Did you use COVID-19 Telehealth Program funding to obtain services and connected devices for expanded locations beyond your traditional facilities, i.e., temporary or mobile locations set up in response to the COVID-19 pandemic? If so, please explain how these nontraditional locations assisted in preventing, preparing for, or responding to the COVID-19 pandemic.
7. Did you encounter any issues when obtaining eligible connected devices or implementing eligible services? If so, what were the issues and how did you resolve those issues?

8. Did you use all the funding awarded under the COVID-19 Telehealth Program? If not, please explain why you did not use the full award amount.

GENERAL PROGRAM FEEDBACK

9. Do you have any additional feedback about the COVID-19 Telehealth Program, the application process, and/or the invoicing process?
