

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

In the Matter of)
)
COVID-19 Telehealth Program) WC Docket No. 20-89

ORDER

Adopted: November 9, 2021

Released: November 9, 2021

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, to address the enduring nature of the COVID-19 pandemic, we clarify that for the second round of the COVID-19 Telehealth Program (Program),¹ applicants will receive points on their applications for being located in a hotspot or a sustained hotspot based on the relevant dataset as of *either* (1) May 6, 2021, the date when the application filing window closed,² or (2) November 19, 2021, the date when the ten-day resubmission period closes.

2. As discussed in more detail in instructions released contemporaneously with this Order,³ applicants must indicate the address and county of the eligible health care provider they would like to be considered for this metric, and we direct the Universal Service Administrative Company (USAC) to incorporate this information as part of its review of the remaining applications.

II. BACKGROUND

3. The Commission established the COVID-19 Telehealth Program in April 2020 pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act to administer an initial \$200 million in funding for telehealth and connected care services to eligible health care providers in response to the COVID-19 pandemic.⁴ In December 2020, under the Consolidated Appropriations Act, Congress appropriated an additional \$249.95 million in funding to the Commission for the Program.⁵ The Consolidated Appropriations Act also required the Commission to consider and make several changes to the Program. The Bureau sought comment on these potential changes and improvements to the Program

¹ In December 2020, the Consolidated Appropriations Act, 2021 (Consolidated Appropriations Act) was signed into law, appropriating \$249.95 million in additional funding for the Program. Consolidated Appropriations Act, 2021, Pub. L. No: 116-260, Division N-Additional Coronavirus Response and Relief, Title IX-Broadband Internet Access Service, § 903 “FCC COVID-19 Telehealth Program” (2020), available at <https://www.congress.gov/bill/116th-congress/house-bill/133/text> (Consolidated Appropriations Act).

² *Wireline Competition Bureau Announces Application Filing Window for Round 2 of COVID-19 Telehealth Program Will Open April 29, 2021*, WC Docket No. 20-89, Public Notice, 36 FCC Rcd 7321 (WCB 2021).

³ *Wireline Competition Bureau Completes Initial Phase of COVID-19 Telehealth Program Round 2 Awards and Commences Ten-Day Resubmission Period*, WC Docket No. 20-89, Public Notice, DA 21-1403 (WCB Nov. 9, 2021) (*Fourth Funding Announcement PN*).

⁴ *Promoting Telehealth for Low-Income Consumers; COVID-19 Telehealth Program*, WC Docket Nos. 18-213, 20-89, Report and Order, 35 FCC Rcd 3366 (2020); Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No 116-136, 134 Stat. 281 (2020) (CARES Act).

⁵ Consolidated Appropriations Act.

in January 2021,⁶ the Commission adopted a *Report and Order* to expand the responsibilities of USAC to include the Program's administration in February 2021,⁷ and, in March 2021, the Commission adopted the *Second COVID-19 Report and Order*, which established the requirements, processes, and procedures for the second round of Program funding appropriated under the Consolidated Appropriations Act (Round 2).⁸

4. In order to evaluate the applications that were filed, the Commission adopted a series of objective metrics based on publicly available data.⁹ The Commission sought to use metrics that would direct Program funding to the applicants who needed it most. One metric the Commission adopted was whether a health care provider was located in a "hotspot" or a "sustained hotspot," as defined in the COVID-19 Community Profile Report, Area of Concern Continuum by County dataset provided by the U.S. Department of Health and Human Services (HHS).¹⁰ The *Second COVID-19 Report and Order* directed USAC, as part of its application review, "to rely on publicly available COVID-19 infection rates from the day the application filing window closes, specifically the U.S. Department of Health and Human Services dataset . . . and award prioritization points to applications in which an eligible health care provider is located in a county defined as a 'sustained hotspot' or a 'hotspot.'"¹¹

5. The *Second COVID-19 Report and Order* also required, consistent with the clear language of the Consolidated Appropriations Act, a ten-day period in which applicants that were not initially awarded funding would be able to supplement their applications.¹² The ten-day period begins today, November 9, 2021 and ends on Friday, November 19, 2021, at 5 PM ET.¹³ The *Second COVID-19 Report and Order* stated that after the resubmission period ends, the applications shall be ranked "according to the same prioritization metrics used during the initial commitment phase."¹⁴

III. DISCUSSION

6. In this Order, we clarify that we will allow applicants to receive points for being located in a hotspot or a sustained hotspot based on the COVID-19 Community Profile Report, Area of Concern Continuum by County dataset as of either May 6, 2021, or November 19, 2021, when the ten-day resubmission window closes.

7. This interpretation is consistent with the requirement in the *Second COVID-19 Report and Order* that we use the "same prioritization metrics used during the initial commitment phase" to rank applicants after the resubmission round. By interpreting "the day the application filing window closes" to apply to either the initial application window or the ten-day resubmission window, we are maintaining our commitment to commit funding to the applicants who need it the most, by accounting for the ongoing, and unprecedented, nature of the COVID-19 pandemic. We also note that by allowing applicants to use their respective hotspot statuses from either May 6, 2021, when the initial filing window closed or

⁶ *Wireline Competition Bureau Seeks Comment on COVID-19 Telehealth Program Application Evaluation Metrics*, WC Docket No. 20-89, Public Notice, 36 FCC Rcd 55 (WCB 2021).

⁷ *COVID-19 Telehealth Program*, WC Docket No. 20-89, Report and Order, 36 FCC Rcd 1613 (2021).

⁸ *COVID-19 Telehealth Program; Promoting Telehealth for Low-Income Consumers*, WC Docket Nos. 20-89 and 18-213, Report and Order and Order on Reconsideration, 36 FCC Rcd 7141, 7159, para. 39 (2021) (*Second COVID-19 Report and Order*).

⁹ *Id.* at 7156, para. 37.

¹⁰ *Id.* at 7159, para. 39.

¹¹ *Id.*

¹² *Id.* at 7171, para. 61; Consolidated Appropriations Act §§ 903(c)(5)(A)-(C).

¹³ See *Fourth Funding Announcement PN* at 1.

¹⁴ *Second COVID-19 Report and Order*, 36 FCC Rcd at 7173, para. 67.

November 19, 2021, when the resubmission window closes, will not result in any application losing points; instead, it will only result in those applicants that are now in greater need of Program funding receiving a corresponding increase in their applications' scores.

8. Applicants that have questions about this Order may contact USAC by email at Round2TelehealthApplicationSupport@usac.org.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
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