

Publications

Ohio Department of Insurance Issues Bulletin 2020-05 COVID-19 Testing and Treatment: Out-of-Network Coverage

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CLIENT ALERT | 3.25.2020

In response to the COVID-19 pandemic and Ohio Governor Mike DeWine's declaration of a state of emergency in Ohio (See [Executive Order 2020-01D](#)), the Ohio Superintendent of Insurance (the Superintendent) issued [Bulletin 2020-05](#) that applies to all health plan issuers, including insurance companies, health insuring corporations, MEWAs, non-federal governmental health plans, and other entities transacting the business of insurance in the State of Ohio, or that are subject to the jurisdiction of the Superintendent (collectively Insurers), that reimburse the costs of health care services under a health benefit plan in Ohio. The Superintendent by issuing Bulletin 2020-05 orders and directs that:

- Emergency medical conditions under Ohio law include the testing and treatment related to the COVID-19 virus;
- Emergency services must be covered without preauthorization and must be covered at the same cost sharing level as if provided in-network;
- COVID-19 testing and treatment are emergency services because symptoms of COVID-19 would result in a prudent layperson with an average knowledge of health and medicine to reasonably expect the lack of medical attention to result in serious harm;
- Insurers must provide benefits with respect to an emergency service in an amount at least equal to the greatest of the amount negotiated with in-network providers, the amount calculated using the same method the plan generally uses to determine payments for out-of-network services, or the amount that would be paid under Medicare; and
- Health insuring corporations providing coverage in Ohio must ensure coverage for out-of-network emergency services without balance billing.

If you have questions regarding Bulletin 2020-05 and its impact on your organization, please contact: Anthony Spina, Jolie Havens or Tom Szykowny.

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VORYS COVID-19 TASK FORCE

Vorys is continuing to monitor the COVID-19 outbreak and related guidance to Insurers. In addition, Vorys attorneys and professionals are counseling our clients on a myriad of others issues related to the outbreak. We have established a comprehensive COVID-19 Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at [vorys.com/coronavirus](https://www.vorys.com/coronavirus).

