



GOVERNMENT OF PUERTO RICO  
Office of the Commissioner of Insurance

May 14, 2020

**RULING LETTER NO. CN-2020-278-D**

**A: TO ALL HEALTH SERVICES ORGANIZATIONS AND INSURERS THAT WRITE COMMERCIAL HEALTH INSURANCE AND MEDICARE ADVANTAGE PLANS IN PUERTO RICO.**

**RE: AMENDMENT TO RULING LETTER NO. 2020-274-D, PAYMENT TO HEALTH SERVICES PROVIDERS FOR SERVICES RENDERED BY MEANS OF TELEMEDICINE DURING THE EMERGENCY DUE TO COVID-19.**

Dear Sirs and Madams:

On April 8, 2020, the Office of the Commissioner of Insurance, (hereinafter, OCI) issued Ruling Letter No. CN-2020-274-D regarding payment to health services providers for services rendered by means of telemedicine during the emergency due to Covid-19. As provided in Ruling Letter No. 2020-274-D, the OCI required insurers and health services organizations to "... honor the payment of services rendered by health services providers, whether physical or mental health, through the use of telemedicine at the same rate as if the service were provided face to face," as provided in Joint Resolution 19-2020 and the guidelines established by the Center for Medicare & Medicaid Services ("CMS"), respectively. Subsequent to the issuance of Ruling Letter No. 2020-274-D, on April 29, 2020 Governor Wanda Vázquez-Garced, signed two legislative measures that broaden the use of telemedicine, as set forth below.

**I. Joint Resolution 32-2020**

First of all, House Joint Resolution number 641 was approved, which is now known as Joint Resolution 32-2020, ("Joint Resolution"), authorizing "all health professionals" who are authorized to practice in Puerto Rico to care for atients using telemedicine, medical consultation by telephone, or any other permitted method, as well as the remote monitoring of such, as provided in Act No. 168-2018. Likewise, the Joint Resolution provides for health professionals invoicing the consultation as if it were a face to face visit and provides that patients who receive medical attention through telemedicine or by telephone shall be exempted from copays for these services while the Joint Resolution is in effect.

In addition, this Joint Resolution authorizes all psychologists who are authorized to practice psychology in Puerto Rico to treat patients using telemedicine, medical consultation by telephone, or by any other method allowed by the Examining Board of Psychologists of Puerto Rico, as well as the remote monitoring of such. Patients who receive psychological treatment through telemedicine or by telephone, shall be exempted from copayment for such during such time as this Joint Resolution is in effect.

Furthermore, the aforementioned Joint Resolution provides that all health or psychology professionals that are authorized to practice in Puerto Rico may invoice for services provided by using telemedicine, for medical consultations by telephone, or for those carried out by using any other method that is authorized by their respective examining boards and the health insurance companies shall have the obligation to pay for such as though it were a visit in person under the same terms and conditions of in person visits, including the same rates for in person visits. To that effect, health insurers, if so requested, shall have the obligation to provide health and psychology professionals with the invoicing codes for health services provided by the methods stated herein.

The provisions of Joint Resolution 32-2020 became effective upon approval on April 29, 2020 and will remain in effect until June 15, 2020 or for an additional term of thirty (30) days to be authorized by the Secretary of the Department of Health, if the Secretary deems the extension to be advisable and necessary.

## **II. Act No. 48-2020- “Act to Regulate Cybertherapy in Puerto Rico”**

Secondly, on April 29, 2020, Act No. 48-2020, the “Act to Regulate Cybertherapy in Puerto Rico” was approved, authorizing the practice of cybertherapy by duly licensed health professionals in the disciplines of physiotherapy, occupational therapy, speech and language therapy, psychology, counselling, social work, rehabilitation counseling, or educational therapy.

Act No. 48-2020 establishes the public policy of the Government of Puerto Rico directed at promoting, facilitating, and incorporating in our jurisdiction the technological advances in the practice of physiotherapy, occupational therapy, speech and language therapy, psychology, counselling, social work, rehabilitation counseling, and educational therapy. For that purpose, this law sets forth the parameters that will ensure access to the recipients of these services and provides the form and manner in which cybertherapy may be practiced in Puerto Rico.

In its relevant part, Section 12 of Act No. 48-2020 provides that all licensed professionals who are authorized to practice physiotherapy, occupational therapy, speech and language therapy, psychology, counselling, social work, rehabilitation counseling, and educational therapy in Puerto Rico may invoice for the services provided through cybertherapy, as established by virtue of this law, and health insurance companies shall have the obligation to pay for such as though it were a service provided in person.

According to the aforementioned state regulations and the powers and authority under Section 2.030 of Act No. 77, enacted on June 19, 1957, as amended, the OCI hereby amends Ruling Letter CN-2020-274-D for the sole purpose of broadening its scope as provided in Joint Resolution 32-2020 and Act No. 48-2020. The provisions of Ruling Letter CN-2020-274-D remain in effect as amended by this letter.

No reduction in the payment of fees for health services providers will be allowed on the sole grounds that such are provided through the mechanism of telemedicine or cybertherapy.

These guidelines will be applicable during the emergency period insofar as applicable federal and state regulations remain in effect. Failure to comply with the aforementioned regulations will entail the impositions of sanctions.

Very truly yours,

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Subcommissioner of Insurance