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| **Andrew m. cuomo**  Governor | **LINDA A. LACEWELL**  Superintendent |  |

August 5, 2020

Elie Ward, MSW

Director of Policy, Advocacy & External Relations

American Academy of Pediatrics

NY Chapter 2

P.O. Box 1411

Smithtown, NY 11787

RE: Charges for Personal Protective Equipment by Participating Providers

Dear Ms.Ward:

The New York State Department of Financial Services (Department) and the New York State Department of Health (DOH) have been made aware that participating providers are charging insureds fees at the time of in-person visits for personal protective equipment(PPE) or other charges related to increased costs due to COVID-19 that are in addition to the insureds’ contractual cost-sharing for such covered services. We understand the strain that the COVID-19 pandemic has placed on providers, including the increased cost of PPE. However, a provider who participates in an insurer’s provider network has agreed to accept a reimbursement amount from the insurer for covered services, with the insured responsible for the cost-sharing set forth in the insured’s health insurance policy or contract. A participating provider should not charge the insured fees or other charges in addition to the insured’s financial responsibility for covered services.

The Department has issued Insurance Circular Letter No. 14 (2020), [attached herein](https://www.dfs.ny.gov/industry_guidance/circular_letters/cl2020_14), advising insurers to immediately notify participating providers that they should not charge insureds fees that are beyond the insureds’ financial responsibility for covered services, such as fees for PPE, and instruct participating providers to refund any such fees to insureds. Insurers and participating providers should work together to resolve any issues regarding increased costs due to COVID-19, including for PPE, and insureds should be held harmless for such charges.

The Department is requesting that you promptly notify your members, consistent with Insurance Circular Letter No. 14 (2020), that when providing services as a participating provider, they should not charge insureds fees that are beyond the insureds’ financial responsibility for covered services, including for PPE. To the extent that they have charged any such fees, they should immediately take steps to refund those fees to the impacted insureds.

Your attention to this matter is appreciated, and we are available to discuss if you have any questions or concerns.

Very truly yours,

Lisette Johnson

Chief, Health Bureau