Optum Update: Waiver of In-Network Outpatient Cost-Share for Essential Workers

Update: 9/30/20

The New York State Department of Financial Services ("DFS") has issued a Notice of Emergency Adoption, extending the waiver of outpatient cost-sharing for mental health services rendered by in-network providers on an outpatient basis for "Essential Workers", regardless of whether the services are provided by telehealth. This extension will expire 11/27/20 unless further extension is issued by the state.

This waiver is applicable to Commercial and Medicaid members in the state of New York. It is not applicable to Medicare members and does not apply to prescription drugs used to treat mental health conditions.

In-network providers should not collect any cost-share amount from an “essential worker” for outpatient mental health services provided on or after May 2, 2020, even if the course of treatment began prior to that date.

Therefore, prior to collecting any cost-share amount, providers should ask the member whether they are or were employed as an essential worker at any time during the state of emergency that was declared on March 7, 2020 by Governor Cuomo.

“Essential Workers”, as defined in the Sixtieth Amendment to 11 NYCRR 52 (Insurance Regulation 62) include the following:

(i) individuals who are, or were, during the current state of emergency declared by Governor Andrew M. Cuomo on March 7, 2020, employed as health care workers, first responders, or in any position within a nursing home, long-term care facility, or other congregate care setting, including:
   (a) correction/parole/probation officers;
   (b) direct care providers;
   (c) firefighters;
   (d) health care practitioners, professionals, aides, and support staff (e.g., physicians, nurses, and public health personnel);
   (e) medical specialists;
   (f) nutritionists and dietitians;
   (g) occupational/physical/recreational/speech therapists;
   (h) paramedics/emergency medical technicians;
   (i) police officers;
   (j) psychologists/psychiatrists; and
   (k) residential care program managers; and

(ii) individuals who are, or were, during the current state of emergency declared by Governor Andrew M. Cuomo on March 7, 2020, employed as essential employees who directly interact or interacted with the public while working, including:
   (a) animal care workers (e.g., veterinarians);
(b) automotive service and repair workers;
(c) bank tellers and other bank workers;
(d) building code enforcement officers;
(e) childcare workers;
(f) client-facing case managers and coordinators;
(g) counselors (e.g., mental health, addiction, youth, vocational, and crisis);
(h) delivery workers;
(i) dentists and dental hygienists;
(j) essential construction workers at occupied residences or buildings;
(k) faith-based leaders (e.g., chaplains and clergy members);
(l) field investigators/regulators for health and safety;
(m) food service workers;
(n) funeral home workers;
(o) hotel/motel workers;
(p) human services providers;
(q) laundry and dry-cleaning workers;
(r) mail and shipping workers;
(s) maintenance and janitorial/cleaning workers;
(t) optometrists, opticians, and supporting staff;
(u) retail workers at essential businesses (e.g., grocery stores, pharmacies, convenience stores, gas stations, and hardware stores);
(v) security guards and personnel;
(w) shelter workers and homeless support staff;
(x) social workers;
(y) teachers/professors/educators;
(z) transit workers (e.g., airports, railways, buses, and for-hire vehicles);
(aa) trash and recycling workers; and
(bb) utility workers.

Please refer to the DFS website for additional information and frequently asked questions regarding these regulations. Optum will continue to post any updates to COVID-19 related information on providerexpress.com. See the COVID-19 State-Specific Guidance Updates page for information specific to New York providers.