Pursuant to emergency regulation, the New York State Department of Financial Services (“DFS”) issued Insurance Circular Letter No. 10 (2020) prohibiting issuers from imposing cost-sharing for mental health services rendered by in-network providers on an outpatient basis for “Essential Workers” as defined in the Sixtieth Amendment to 11 NYCRR 52 (Insurance Regulation 62), regardless of whether the services are provided by telehealth. Prior to collecting any cost-sharing, please 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, using the list of Essential Workers indicated in the regulation. The emergency regulation is effective 5/2/2020, for 90 days, at which point the Department may issue a further emergency regulation.

This waiver is applicable to fully-insured Commercial members in a New York-sitused plan 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.

**Billing Instructions**

If billing on Form 1500 (02-12) claim form (also known as CMS or HCFA 1500): Complete the claim form as you normally do, with the addition of the following elements to identify an “Essential Worker” claim.

- **Box 9.d.**: Enter “Essential Worker”. **Note**: If there is additional insurance, include it as well; for example – “BCBS/Essential Worker” and indicate “Yes” in box 11.d.
- **Box 10.a.**: Indicate Employment as “Yes”
- **Box 14**: List initial date of service

**Note**: The use of “Essential Worker” in field 9.d. and indication of “Yes” in field 10.a. are important for identification of Essential Worker claims.
If billing on **UB-04 claim form**: Complete the claim form as you normally do, with the addition of the following elements to identify an “Essential Worker” claim.

- **Box 18**: Enter “DR” condition code, followed by the initial date of service
- **Box 31**: Enter “04” as the first/primary occurrence code to indicate Accident/Employment Related.
- **Box 58**: Enter Insured’s Full Name
- **Box 59**: Enter Relationship
- **Box 60**: Enter Insured’s unique ID
- **Box 61**: Enter “Essential Worker”. **Note**: If there is additional insurance, include it as well; for example “BCBS/Essential Worker”.

**Top Section of UB-04**

- Box 18
- Box 31
- Box 58
- Box 59
- Box 60
- Box 61

**Bottom Section of UB-04**

- Box 58
- Box 59
- Box 60
- Box 61

**Note**: The use of “DR” in field 18, “04” in field 31 and “Essential Worker” in the fields indicated are needed to identify Essential Worker claims.
“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.