



**Office of the Lieutenant Governor
Division of Banking, Insurance and
Financial Regulation**

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BULLETIN 2020- 18

TO: All Health Insurance Companies Licensed and Authorized to Offer Health Insurance Benefits in the U.S. Virgin Islands

FROM: Tregenza A. Roach, Esq., Lieutenant Governor and Commissioner of Insurance

RE: Advisory: Waiver of Cost Sharing for COVID-19 VACCINATIONS

Pursuant to Title 22, Chapter 3, Section 53(a) of the Virgin Islands Code, *“The Commissioner shall have the authority expressly conferred upon him by or reasonably implied from the provisions of this title.”* Thus, the Virgin Islands Commissioner of Insurance (“Commissioner”) is invoking his implied emergency powers to ensure that a requirement for cost sharing is not a barrier that prevents the Territory’s consumers from receiving medically necessary healthcare for COVID-19 vaccinations.

“Cost sharing” within the confines of this Bulletin, is defined as the share of costs covered by insurance that a consumer pays out of his or her pocket for a COVID-19 vaccination, which generally includes deductibles, coinsurance and co-payments, or similar charges.

Henceforth, please be advised of the following Advisory from the Commissioner, relating to the required Waiver of Cost Sharing for COVID-19 Vaccinations:

The Coronavirus Aid, Relief and Economic Security (“CARES”) Act requires health insurers and health plans to treat the administration of the COVID-19 vaccine as a preventive service beginning

fifteen (15) days after the vaccine is approved. As a preventive service, health insurers and health plans are to pay all COVID-19 vaccination related costs without cost-sharing or balance billing.

More specifically, the CARES Act provision, “*Rapid Coverage of Preventive Services and Vaccines for Coronavirus*”, Pub. L. 116-136 , Div. A, Title III, § 3203, Mar. 27, 2020, 134 Stat. 367, provided that: “(a) *In general.* --Notwithstanding 2713(b) of the Public Health Service Act (42 U.S.C. 300gg-13), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall require group health plans and health insurance issuers offering group or individual health insurance to cover (without cost-sharing) any qualifying coronavirus preventive service, pursuant to section 2713(a) of the Public Health Service Act (42 U.S.C. 300gg-13(a)) (including the regulations under sections 2590.715-2713 of title 29, Code of Federal Regulations , section 54.9815-2713 of title 26, Code of Federal Regulations , and section 147.130 of title 45, Code of Federal Regulations (or any successor regulations)). The requirement described in this subsection shall take effect with respect to a qualifying coronavirus preventive service on the specified date described in subsection (b)(2).

“(b) *Definitions.* --For purposes of this section:

“(1) *Qualifying coronavirus preventive service.* --The term ‘ qualifying coronavirus preventive service ’ means an item, service, or immunization that is intended to prevent or mitigate coronavirus disease 2019 and that is-- “(A) an evidence-based item or service that has in effect a rating of ‘A’ or ‘B’ in the current recommendations of the United States Preventive Services Task Force; or “(B) an immunization that has in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention with respect to the individual involved.

“(2) *Specified date.* --The term ‘ specified date ’ means the date that is 15 business days after the date on which a recommendation is made relating to the qualifying coronavirus preventive service as described in such paragraph.

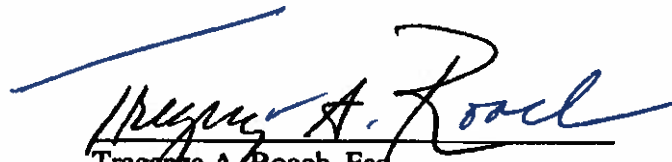
Now that a COVID-19 vaccine is available, this BULLETIN reinforces BULLETIN 2020-10, issued by the Commissioner of Insurance on May 11, 2020, wherein on Page 2, Number 3, health insurers authorized to conduct business in the Territory are required to **waive any cost sharing, including deductibles, coinsurance and co-payments, for vaccination for COVID-19, when a vaccine (or immunization) becomes available.**

A copy of the Centers for Medicare & Medicaid Services (“CMS”) “*Toolkit on COVID-19 Vaccine: Health Insurance Issuers and Medicare Advantage Plan*” is attached for your review.

Please contact Gwendolyn Hall Brady, Division Director (gwendolyn.brady@lgo.vi.gov) or Glendina Matthew, Division Assistant Director/Legal Counsel (Glendina.matthew@lgo.vi.gov), should you require additional information.

Dated this 17th day of December 2020 in St. Thomas Virgin Islands.




Tregenza A. Roach, Esq.
Lieutenant Governor/
Commissioner of Insurance