



## Government of the District of Columbia Department of Insurance, Securities and Banking

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Acting Commissioner

### Frequently Asked Questions (FAQ) on Insurance Issues Related to Coronavirus (COVID-19) Revised 3/24/20

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#### \*GENERAL INFORMATION

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#### 1. What is the District of Columbia doing in response to the pandemic?

On March 11, 2020 Mayor Muriel Bowser [declared both a public emergency and a public health emergency](#), and subsequently extended the emergency via [Mayor's Order 2020-050](#) on March 20. DC Health also issued a Health Advisory on March 11, 2020.

The District has established a centralized website to provide residents with information and resources related to the coronavirus (COVID-19). Residents are encouraged to visit [coronavirus.dc.gov](https://coronavirus.dc.gov) for more information and additional resources.

#### 2. What is the Department of Insurance, Securities and Banking doing in response to the pandemic?

See [Commissioner's Order 01-2020](#).

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#### \*LIFE & HEALTH INSURANCE

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#### 3. What if I have health concerns that require emergency medical services?

Insurance carriers must cover emergency services for an emergency medical condition at in-network cost-sharing levels, regardless of which provider performs the services. Emergency services include transportation services, such as ambulance services, as well as inpatient and outpatient hospital services that are needed to evaluate or stabilize the patient.

**4. Where can I get tested for coronavirus (COVID-19)?**

Ask your primary care doctor or your health insurance company. If you are experiencing symptoms, you can also call DC Health at 202-576-1117.

**5. Will I have to pay for the test?**

Pursuant to [Commissioner's Order 01-2020](#) you do not have to pay anything for the test.

If you have a self-funded health plan or a short-term limited duration plan, you should contact the plan or plan administrator to find out more about your coverage, as these plans follow different rules. Screening and testing for coronavirus (COVID-19) would fall under the category of preventive health services (reiterated by IRS [Notice 2020-15](#), with more information on that below), which are often covered by these types of plans. You should contact your employer or insurance company to be certain of your options regarding testing if you don't have a comprehensive health insurance policy.

**6. Can I use telehealth to be screened for coronavirus (COVID-19)?**

The District of Columbia Code defines “telehealth” as the delivery of healthcare services through the use of interactive audio, video, or other electronic media used for diagnosis, consultation or treatment, provided that services delivered through audio-only telephones, electronic mail messages, or facsimile transmissions are not included. The Code requires health insurers to cover telehealth, and DC Health has standards of care for telemedicine rendered by physicians licensed by its [Board of Medicine](#). Most health insurance companies offer telehealth options for screening District residents for coronavirus (COVID-19). Contact your health insurance company to learn more about your options.

**7. What if my test is positive and I need treatment? Will my insurance cover that?**

Pursuant to [Commissioner's Order 01-2020](#), you do not have to pay anything for treatment if you test positive for COVID-19.

Again, if you have a self-funded health plan or a short-term limited duration plan, you should contact the plan or plan administrator to find out more about your coverage, as these plans follow different rules.

**8. Should I fill or refill my current prescription drugs in anticipation of an emergency?**

The [American Red Cross](#) recommends that households maintain at least a 30-day supply of any prescription drugs used by household members to prepare for unexpected events. Consistent with this guidance, the Commissioner's order requires health insurance carriers to allow people to access early refills, to get more than a 30-day supply of a prescription drug at one time, and/or waive fees for mail-order prescriptions; all subject to the limits of the prescription written by the treating healthcare provider. Please check with your health plan directly for information about what your options might be. The

Department does not recommend stockpiling prescriptions that are highly susceptible to abuse, such as opioids that may be restricted to seven-day prescriptions.

**9. Can my insurance carrier refuse to sell me health insurance, or cancel or refuse to renew my health insurance policy, if I am diagnosed with coronavirus or a pre-existing respiratory illness?**

No. Both the District of Columbia Insurance Code and the Affordable Care Act (ACA) prohibit individual or group accident and health insurance carriers from imposing any pre-existing condition exclusions, including in connection with coronavirus. Federal law and state regulations provide protections against pre-existing condition exclusions in health insurance coverage, as well. However, pre-existing condition consumer protections do not apply to short-term, limited-duration health insurance coverage, excepted benefit policies, or certain self-funded plan arrangements.

**10. If my in-network doctor cannot see me because the appointment schedule is full, or the practice is closed, can I seek care out-of-network?**

Maybe. Most health insurance companies will allow you to go out-of-network at in-network levels of cost-sharing (co-pays, deductibles, etc.) under certain circumstances. However, you should check with your insurance company first, or see if they can assist you with finding a timely appointment at an in-network provider.

**11. I have a high deductible health plan (HDHP) with a Health Savings Account (HSA). If my health insurance company waives cost-sharing, will that affect the tax status of my HSA?**

On March 11, 2020, the IRS issued [Notice 2020-15](#) to allow health plans to waive or reduce deductibles for any “medical care services and items purchased relating to testing for, and treatment of, COVID-19,” without affecting eligibility to make HSA contributions. With limited exceptions, covering medical expenses before the minimum deductible is reached would make employees ineligible to make or receive HSA contributions, and would subject employees who have made HSA contributions to an excise tax. The HSA rules generally have an exception for “preventive” care, but not for services and items purchased to treat a disease. The new guidance expands the scope of the “preventive” care exception but is limited to testing and treatment of coronavirus (COVID-19). Treatments for other conditions and diseases remain subject to the minimum deductible rules.

**12. Can a life insurance company refuse to pay a claim if the person dies from an illness related to coronavirus (COVID-19)?**

A life insurance policy must pay claims based on the policy. If there is a policy exclusion that would allow the denial, the company may deny the claim. An insurance company may deny claims within two years of the date the policy is issued if there were material misrepresentations on the application.

**13. Can a life insurance, long-term care insurance, or disability insurance company refuse to sell me a policy if I am diagnosed with COVID-19?**

Yes, if the denial is based on their underwriting guidelines and the guidelines comply with District of Columbia law.

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**\*INSURANCE INFORMATION FOR BUSINESSES**

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**14. If I am told that I need to stay home because I have tested positive for coronavirus (COVID-19), will my disability policy pay a claim?**

No. Your disability policy will only pay if you meet the definition of disability in the policy and have satisfied any elimination period.

**15. Is coronavirus (COVID-19) compensable under workers' compensation?**

In most cases, an employee will have to prove that the virus was transmitted or contracted at work or in the course of work. The Department suggests that you reach out to your employer for the latest information about your specific coverage.

**16. Does my travel insurance cover risks related to coronavirus (COVID-19) if I get sick while traveling?**

It depends. A travel insurance policy may contain an exception that applies to coronavirus (COVID-19). A policy that covers the risks of sickness, accident, or death incident presumptively would cover such risks relating to COVID-19. The extent of coverage for health care services, including emergency transportation within a foreign country, as well as the costs of returning to the United States for further treatment, may depend on the terms of the policy. Sample exclusionary language includes: *"No benefits are payable under this Benefit for charges, fees or expenses: for common or endemic or epidemic diseases or global pandemic disease as defined by the World Health Organization..."*

Nevertheless, many companies are offering increased flexibility at this time, so be sure to check with your insurance carrier.

**17. Does my travel insurance cover cancellation or interruption risks that are related to coronavirus (COVID-19)?**

If you purchased a Trip Cancellation or Trip Interruption policy after January 21 or 22, 2020, it is unlikely that you will be covered if your trip is canceled due to a coronavirus (COVID-19) event—such as a COVID-19 outbreak at your destination, or a quarantine that prevents you from traveling.

## **18. What about event cancellation insurance?**

Your insurance company probably will not cover costs related to the cancellation of an event due to coronavirus (COVID-19). Sample exclusionary language includes: “*No coverage is provided for any loss arising directly or indirectly out of or as a result of the following: Epidemic or Pandemic...*”

Again, you should check with your insurance carrier for coverage and policy details.

## **19. If the District government requires me to close my business related to coronavirus (COVID-19), will I be able to get reimbursed from my insurance company for financial losses?**

Loss of business income and extra expense coverage is subject to the specific terms and condition of your policy. Contact the broker or agent that sold the policy, the insurance company or the Department with any questions.

In early [February 2020](#), the Insurance Services Office, Inc. (ISO) developed two new endorsement forms: “Business Interruption: Limited Coverage for Certain Civil Authority Orders Relating to Coronavirus” and “Business Interruption: Limited Coverage for Certain Civil Authority Orders Relating to Coronavirus (Including Orders Restricting Some Modes of Public Transportation).” These forms provide coverage for actual loss of business income and extra expenses caused by a government order closing the insured’s premises, or quarantining all or part of the premises, and from government suspension of some modes of public transportation.

*Note: the endorsements are not yet available for public use.*

## **20. Does my environmental or pollution insurance policy provide coverage if I must use certain products to periodically disinfect my business?**

Environmental insurance products may be designed to include affirmative cleanup, disinfection and decontamination coverage as a result of a “discharge,” “dispersal,” “release” or “escape” of bacteria and/or viruses.

Under pollution policies, disinfection expenses are specifically defined, and coverage is only provided for the properties that are specifically scheduled to an insurance program or location. For pollution liability policies that do not have a specific communicability exclusion, there is typically no coverage; specifically, coverage is not provided for bodily injury or property damage arising from a facility borne illness or exposure to viruses or bacteria.

## **21. Will my Business Interruption coverage help if I must close my business because of coronavirus (COVID-19)?**

Likely, business interruption insurance will not provide coverage. Communicable diseases are usually excluded. For a business interruption policy to respond, the following conditions will need to be met:

1. Actual loss of business income
2. Suspension of business operation
3. Direct physical loss or damage at the described premises that is from a covered cause

Business interruption insurance does not provide coverage for a slowdown or reduction in operations.

**22. Would a Commercial General Liability, Commercial Package Policy or a Business Owners' Policy provide coverage under the civil authority provision if my operation is shut down by a court, state, or federal order?**

The coverage that may be available would depend on the type of business policy, amendments to the policy, and the language in the policy or amendment. Generally, business property policies provide coverage for losses caused by forced closures by civil authority.

A Commercial General Liability (CGL), Commercial Package Policy (CPP) or a Business Owners' Policy (BOP) typically does not offer coverage for transmission of a disease from employee to employee. However, an employee to patron transmission may provide some coverage under the policy's liability section.

Loss of income or extra expense provisions are typically not triggered unless there is actual damage or physical loss (other than at the described premises) and caused by, or resulting from, a covered cause of loss.

**23. What if I can't export or import my goods due to a trade embargo, quarantine, partial or total closure of ports and transportation centers, or seizure of my products? Am I covered under my business operation policy (BOP)?**

A standard BOP policy may provide limited protection for some of these perils. A "trade disruption" policy would provide relief for consequential losses of revenue, extra expenses and contractual penalties that may be assessed as a result of delays or disruptions in trade flows due to the listed perils.

**24. How can insurance protect my business operation from exposures to viruses and diseases?**

Viruses and other communicable diseases are typically not an insured peril unless added by endorsement. Insurance markets have restricted coverage for endemic, epidemic, and pandemic diseases, including coronavirus (COVID-19), through exclusions and sublimated coverage.

You should consult your agent to determine if there is any coverage available in your current policy or if there are endorsement(s) that you can attach to protect your business in the future.

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The Department will continue to monitor this situation and issue further communications and guidance by bulletin or via its website, as appropriate.

Any questions or concerns regarding this bulletin may be directed to the Insurance Bureau of the Department of Insurance, Securities and Banking by email at [insurance.bureau@dc.gov](mailto:insurance.bureau@dc.gov) or by phone at 202-727-8000. For more information and resources about COVID-19, visit [coronavirus.dc.gov](http://coronavirus.dc.gov).