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COVID-19 Alert: Private Health Insurance Enrollees Will Not Pay For COVID-19 Diagnostic Testing

On April 11, 2020, the federal government issued [guidance](#) to ensure that Americans with private health insurance have coverage of COVID-19 diagnostic testing and certain other services, including antibody testing, at no cost. Under recent legislation, group health plans and health insurance issuers are required to provide this coverage without imposing any cost-sharing requirements on patients, including deductibles, copayments, coinsurance, or prior authorization or other medical management requirements. The determination of whether COVID-19 testing is medically necessary rests solely with an insured patient's attending healthcare provider. Therefore, coverage will be required upon that determination, even if an insurer believes that the patient did not need to be tested.

Additionally, this legislation requires plans and issuers providing coverage for these items and services to reimburse any provider of COVID-19 diagnostic testing an amount that equals the negotiated rate or, if the plan or issuer does not have a negotiated rate with the provider, the cash price for such service that is listed by the provider on a public website. Note that the plan or issuer may negotiate a rate with the provider that is lower than the cash price, and providers who fail to post their cash price on their website are subject a fine of up to \$300 a day by Health and Human Services (HHS).

These changes were ushered in by the Families First Coronavirus Response Act (the FFCRA) and the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act). The FFCRA was enacted on March 18, 2020, and the CARES Act was enacted on March 27, 2020, which amended certain provisions of the FFCRA. Plans and issuers must continue to comply with these changes for applicable items and services furnished during the public health emergency related to COVID-19. Unless extended or terminated earlier, the public health emergency related to COVID-19 will end on June 16, 2020.

For more information on these changes, please reach out to the author. You can also visit our [Health Law Matters blog](#) for more insight into legal issues impacting the health care industry.

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a [Coronavirus Response Team](#). Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

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