



2020

PUBLIC HEALTH LAW  
**VIRTUAL  
SUMMIT**

# COVID-19 Response and Recovery

September  
**16-17**

# The Critical Need for Digital Access and Telehealth





**The Network**  
for Public Health Law

Ideas. Experience. Practical Answers.

# COVID-19 Illuminates Need to Close the Digital Divide

September 17, 2020

## Network for Public Health Law

The [Network for Public Health Law](#) is a national program partially funded by the Robert Wood Johnson Foundation to promote and support the use of law to solve public health problems. Our work includes providing legal technical assistance and training to assist public health departments, attorneys and community based organizations in their efforts to improve the health of communities in compliance with applicable laws.

*This presentation and session should not be considered legal advice or representation. For legal advice, please contact your attorney.*

## What is Broadband and Why is it Important?

Today, broadband is essential to participate in society. Disconnected consumers, which are disproportionately low-income consumers, are at an increasing disadvantage as institutions and schools, and even government agencies, require Internet access for full participation in key facets of society.

...

[S]tudent access to the internet has become a necessity, not a luxury.”

*30 FCC Rcd 7818, ¶¶ 4–5 (2015)*



## A Superdeterminant of Health

### » **Impacts all social determinants of health**

- ✓ Education
- ✓ Economic Stability
- ✓ Neighborhood and Built Environment
- ✓ Health and Healthcare
- ✓ Social and Community Context





“Every American should have affordable access to robust broadband service and the means and skills to subscribe if they so choose.”

*FCC’s 2010 Connecting America: The National Broadband Plan*

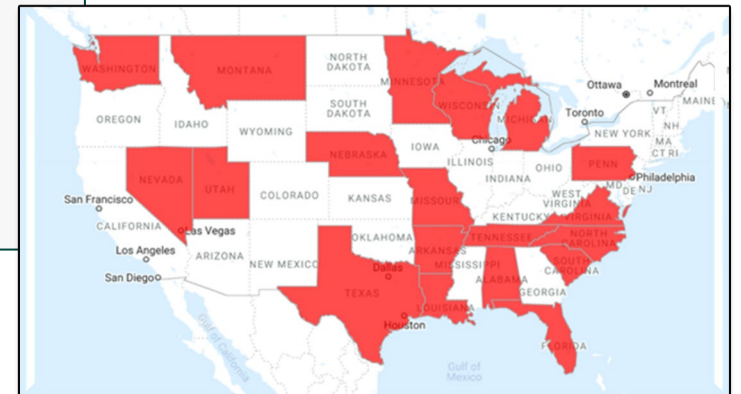


There is no Internet connection

Try:

- Checking the network cables, modem, and router
- Reconnecting to Wi-Fi
- [Running Windows Network Diagnostics](#)

DNS\_PROBE\_FINISHED\_NO\_INTERNET



## Measuring the Digital Divide

### 2020 FCC Study: Fixed Broadband



#### **Nationwide Access: 94.4%**

- Urban: 98.5%
- Rural: 77.7%
- Tribal Lands: 72.3%
- Rural Tribal Lands: 52.9%



#### **Nationwide Adoption: 65.1%**

- Urban: 69.2%
- Non-Urban: 59.9%
- Tribal Lands: 44.0%
- Non-urban Tribal Lands: 38.7%

## Disparities in Broadband Access

### **Neighborhood Adoption Rates:**

- Black neighborhoods: 67%
- white neighborhoods: 84%

### **Tribal lands:**

- No access to any fixed broadband: 32%
- Access to only one provider: 36%

### **Education:**

16.9 million children lack home broadband:

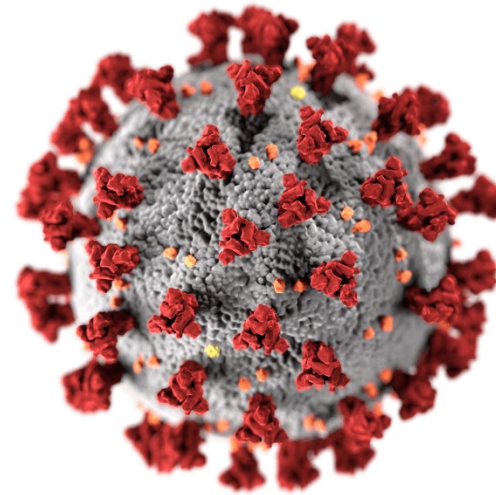
- > 30% of Black, Latino & Native American households with school-aged kids
- Pre-pandemic 21% of Black students used public Wi-Fi to complete homework





» **COVID- 19 Pandemic:**

- Increased need for telehealth and educational access
- Fewer opportunities to utilize broadband at libraries and school buildings
- Economic consequences threaten household ability to continue to pay for service.



## Coronavirus Aid Relief and Economic Security (CARES) Act

\$13 billion

- Education agencies to purchase technology, including connectivity to support remote learning

\$3 billion

- Emergency education relief for states to improve remote learning

\$200 million

- Expand telehealth access

\$50 million

- Institute for Museum and Library Service to expand digital network access

# FCC COVID-19 Relief: Voluntary Commitments

## » **Keep America Connected Pledge**

- Voluntary commitments from broadband providers to waive late fees, not terminate service, open Wi-Fi hotspots
- Expired on June 30, 2020
- Chairman Pai has urged Congressional action to ensure  
“doctors and patients, students and teachers, low-income families and veterans, those who have lost their jobs and livelihoods due to the pandemic and the accompanying lockdowns”  
remain connected throughout the pandemic response.





# FCC COVID-19 Relief: USF Programs

## E-rate

- Waived gift rules
- Urged providers to provide mobile hotspots and broadband enabled devices
- *FCC has not authorized the use of E-rate funds to provide broadband service directly to students that lack broadband at home*

## Lifeline

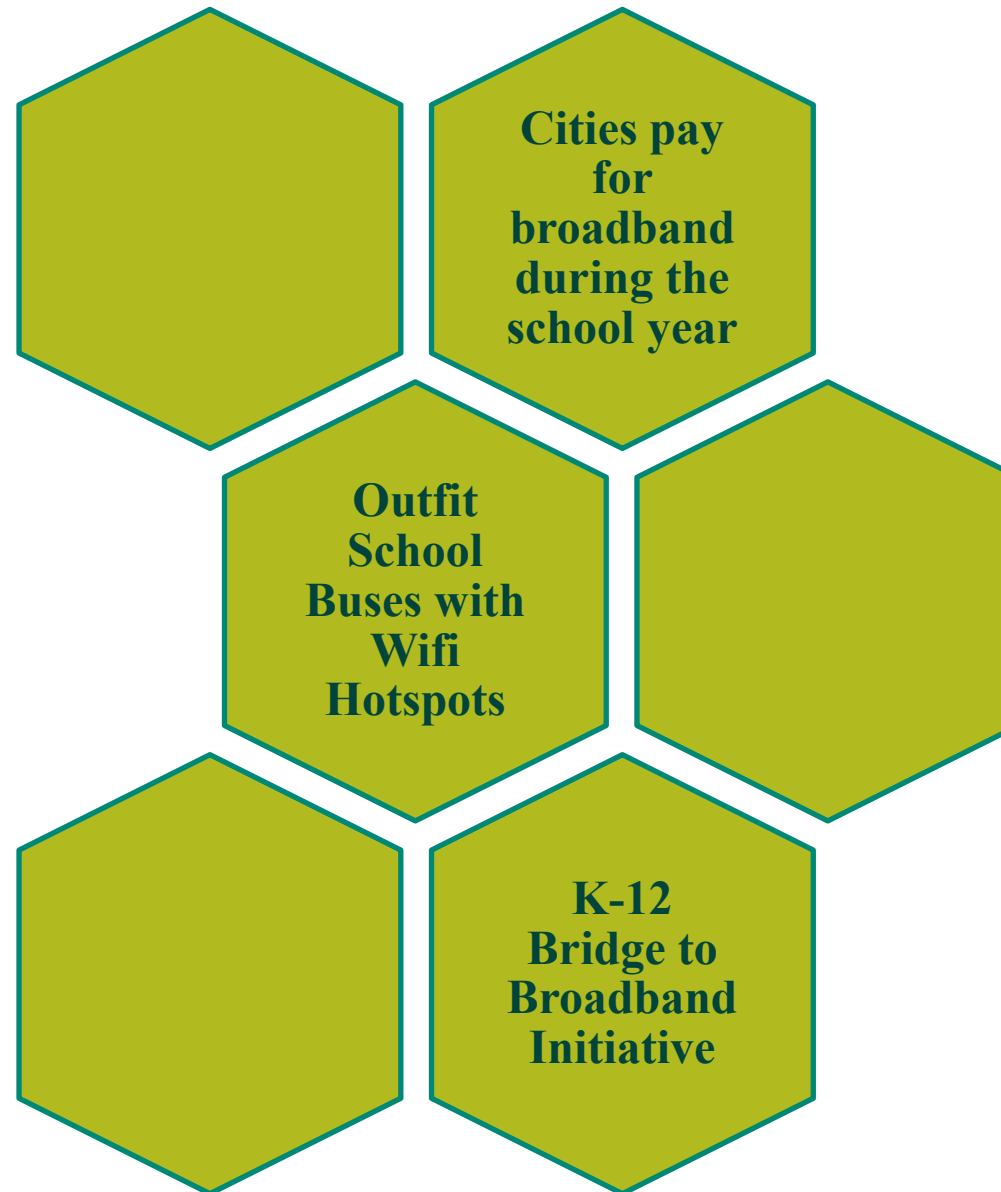
- Eased application requirements for newly eligible households
- Participants cannot be unwittingly unenrolled in the program

## Healthcare Connect Fund

- Waived gift rules

## Connected Care Pilot Program

- Support telehealth efforts
- Off-site broadband services for patients without home access



## Actions for Change

### Federal

- Bar state preemption of local broadband
- Allow E-rate funds to support offsite broadband
- Increase Lifeline discount
- Bundle Lifeline enrollment
- Collect data on affordability and availability, demographics,
- Increase funding to schools and community centers

### State

- Eliminate preemption laws
- Enact dig once laws
- Set statewide connectivity goals and deadlines

### Local

- Increase mobile hotspots provided by cities, counties, schools
- Free city wide wireless
- Broadband service through community anchor institutions
- Support broadband provided by local public utilities and cooperatives
- Public private partnerships to support broadband connectivity
- Community wide connectivity goals





**Thank you for your time.**

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**Please feel free to send me an e-mail with any additional questions!**

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**Webinar: Broadband Access and Public Health: Legal and Policy  
Opportunities for Achieving Equitable Access**

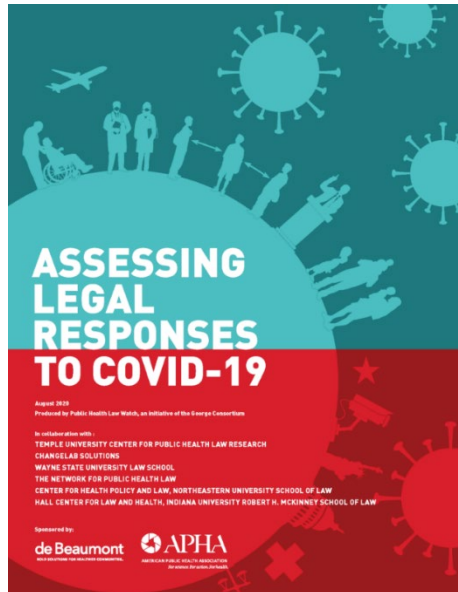
**<https://www.networkforphl.org/resources/broadband-access-and-public-health-legal-and-policy-opportunities-for-achieving-equitable-access/>**

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**#COVID19PolicyPlaybook**

Access the full *Assessing Legal Responses to COVID-19* report or individual chapters at:  
**[COVID19PolicyPlaybook.org](https://COVID19PolicyPlaybook.org)**