

# COVID-19

<p><b>Medicare Payment Advancement</b></p>	<p><b>Eligible Providers and Suppliers:</b>  <b>IPPS, Children's, and Cancer hospitals</b> - up to 100% of Medicare payments for 6-month period  <b>Critical Access Hospitals</b> - up to 125% of Medicare payments for 6-month period  <b>All other Part A providers and Part B suppliers</b> - up to 100% of Medicare payments for 3-month period</p> <p><b>Eligibility Criteria:</b>  1. Billed Medicare for claims within last 180 days  2. Not be in bankruptcy  3. Not be under active medical review or program integrity investigation  4. Not have any outstanding delinquent Medicare overpayments</p> <p>Recoupment by MAC withholds starting 120 days after advance payment. MAC makes demand for remaining amount following one year for hospitals and 210 days for other providers and suppliers.  Requests are submitted using a form posted on each Medicare Administrative Contractor's website.</p>
<p><b>Title VIII of the CARES Act</b></p>	<p>Funds are available to "eligible health care providers," which "means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities . . . as the Secretary may specify . . . that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID-19."  Applications for funds are submitted to the HHS Secretary and include a statement justifying the need of the provider for the payment.  Recipients of these funds must comply with documentation requirements established by the HHS Secretary.</p>
<p><b>Medicare COVID-19 DRG Add-On</b></p>	<p>20 percent increase in weighting factor that would apply to DRG for discharged Medicare patients diagnosed with COVID-19 patients.</p>
<p><b>Medicare Sequestration Relief</b></p>	<p>Temporarily lifting the so-called Medicare sequester, which has the effect of increasing payments to providers by 2 percent.</p>
<p><b>Delay in Medicaid DSH Cuts</b></p>	<p>Fiscal year 2020 eliminated; fiscal year 2021 of \$4 billion delayed to December 1, 2020; \$8 billion reduction each year from 2022 - 2025.</p>
<p><b>Medicare Telehealth Expansion</b></p>	<p>Medicare coverage for telehealth services provided to new patients.  Waiver of cost sharing for telehealth services.</p>
<p><b>Stark Law Waivers</b></p>	<p>Secretary HHS waives sanction under the Stark Law for certain financial arrangements entered into directly between DHS providers and physicians (or immediate family members of physicians), but only if the arrangement results from the DHS providers efforts to deliver care to patients suffering with COVID-19.</p>
<p><b>HIPAA and 42 CFR Part 2</b></p>	<p>HHS has issued waivers for compliance with the following requirements of HIPAA Privacy:  1. the requirement to obtain patient's agreement to speak with family, friends or individuals involved in the care of the patient;  2. the requirement to honor an opt out request for the facility directory;  3. the requirement to distribute the notice of privacy practices;  4. the patient's right to request privacy restrictions; and  5. the patient's right to request confidential communications.</p> <p>This waiver only applies during the public health emergency declaration for hospitals that have instituted a disaster protocol and for up to 72 hours from the time the hospital implements the disaster protocol.</p> <p>OCR will decline enforcement of HIPAA Security requirements related to the good faith use of any non-public facing remote communication product to provide telehealth during the public health emergency. Providers should use professional judgment for telehealth services and are encouraged to notify patients of potential privacy risks.  The CARES Act amended the statute that provides the foundation for 42 CFR Part 2 regulations related to substance use treatment information. The changes align consent requirements with HIPAA and permit broader use for treatment, payment, and health care operations. Additional regulations must be implemented to make the changes effective within 12 months.</p>
<p><b>Paycheck Protection Program - SBA</b></p>	<p>Emergency loan that is partially forgivable when used to maintain payroll through June 2020. Its purpose is to incentivize small businesses not to lay off workers and to rehire workers who were laid off due to the COVID-19 pandemic.</p> <p>Loans are available to small businesses, 501(c)(3) non-profits, some 501(c)(19) veteran organizations and tribal business concerns with fewer than 500 employees (or the applicable industry size standard based on the NAICS code, if higher).</p> <p>Permissible uses of PPP loan proceeds include most employee-related expenses, such as employee salaries, paid sick or medical leave and insurance premiums, as well as interest payments on existing mortgages, rent and utilities.</p> <p>SBA-approved lenders making PPP loans must offer a 6-12 month deferment on payment of all principal, interest and fees. In addition, borrowers may apply for loan forgiveness (not to exceed the principal amount of the loan) in an amount equal to the sum of payroll costs (excluding costs for any compensation above \$100,000 annually), rent, utilities, and mortgage interest (but excluding any prepayment of or payment of principal on a covered mortgage obligation), paid during the 8 weeks following the origination of the loan, provided that the lease, mortgage or utility was in place prior to February 15, 2020.</p> <p>Borrowers must verify through documentation to lenders their payments during the eight-week period. Lenders that receive the required documentation will not be subject to any enforcement action or penalties by the Administrator of the SBA relating to loan forgiveness for eligible uses. Upon a lender's report of an expected loan forgiveness amount for a loan or pool of loans, the SBA will purchase such amount of the loan from the lender.</p>
<p><b>Economic Injury Disaster Loan Program - SBA</b></p>	<p>To qualify for an EIDL under the CARES Act, the applicant must have suffered "substantial economic injury" from COVID-19. EIDLs under the CARES Act are based on a company's actual economic injury determined by the SBA (less any recoveries such as insurance proceeds) up to \$2 million. EIDL loans may be used for payroll and other costs as well as to cover increased costs due to supply chain interruption, to pay obligations that cannot be met due to revenue loss and for other uses. The interest rate on EIDL loans is 3.75% fixed for small businesses and 2.75% for nonprofits. The EIDLs have up to a 30-year term and amortization (determined on a case-by-case basis).</p> <p>A borrower may obtain both a PPP loan and an EIDL, provided that it does not receive duplicative funds for the same purposes, and does not comingle the funds. Thus, accurate and detailed record-keeping will be critical.</p> <p>The CARES Act also permits applicants to request an advance of up to \$10,000 to pay allowable working capital needs, and the advance is expected to be paid by the SBA within 3 days. The advance is in essence a grant as it is not required to be repaid, even if the application is denied. However, the amount of the advance will be deducted from the amount of any loan forgiveness under a PPP loan.</p>
<p><b>Family Medical Leave</b></p>	<p><b>Covered Employers:</b> All private employers with fewer than 500 employees and all public employers.</p> <p><b>Covered Employees:</b> All employees who have been on the payroll for at least 30 calendar days prior to seeking leave, except that employers of employees who are health care providers or emergency responders may elect to exclude such employees.</p> <p><b>Covered Reasons:</b> Employees are entitled to protected leave if they are unable to work (including remote work) because they need to care for a minor child whose school or daycare is closed due to a public health emergency.</p> <p><b>Duration of Leave:</b> Eligible employees are entitled to up to 12 weeks of leave, the first 10 days of which may be unpaid (although employees can request to use the emergency paid leave described above to cover these first 10 days or any other available leave).</p> <p><b>Maximum Leave Payments:</b> Employees are entitled to be paid at two-thirds (2/3s) their regular pay rate for normal hours scheduled to work, up to a maximum of \$200 per day.</p> <p><b>Job Restoration:</b> Employers with 25 or more employees are obligated to reinstate an employee back to his/her same or an equivalent position upon return from leave. However, an employer with fewer than 25 employees is not required to reinstate an employee whose position no longer exists due to circumstances caused by the public health emergency, such as an economic downturn, so long as the employer makes reasonable attempts to return the employee to work in the same or an equivalent position for up to one year following the employee's leave.</p> <p><b>Potential Exemptions:</b> The Secretary of Labor is authorized to publish regulations excluding healthcare providers and emergency responders from the definition of "covered employer," and to exempt businesses with fewer than 50 employees if compliance would jeopardize the viability of such businesses. It remains to be seen whether such exemptions will be enacted.</p>
<p><b>Emergency Paid Sick Leave</b></p>	<p><b>Covered Employers:</b> All private employers with fewer than 500 employees and all public employers.</p> <p><b>Covered Employees:</b> All employees are eligible for emergency paid sick leave regardless of how long the employee has been with the employer. However, employers of employees who are health care providers or emergency responders may elect to exclude such employees.</p> <p><b>Covered Reasons:</b> Employees are entitled to guaranteed paid leave if they are unable to work (including remote work) for any of the following reasons:  1. The employee is caring for a minor child whose school or daycare is closed because of COVID-19;  2. The employee is seeking a medical diagnosis due to COVID-19 symptoms;  3. The employee has been advised by a medical provider to self-quarantine;  4. The employee is subject to a government order to self-quarantine or isolate; or  5. The employee is caring for an individual (not limited to family members) subject to a government order or provider's advice to self-quarantine or isolate.</p> <p><b>Duration of Leave:</b> Full-time employees are entitled to 80 hours of paid leave. Part-time employees are entitled to be paid the equivalent of the average number of hours they are scheduled to work in a two-week period. This paid leave is in addition to any existing paid sick leave already offered by the employer or required by other applicable laws.</p> <p><b>Maximum Leave Payments:</b> Employees are entitled to the equivalent of their regular rate of pay (up to \$511 per day) when absent due to their own illness or quarantine and two-thirds (2/3s) their regular rate (up to \$200 per day) when absent to care for someone else.</p> <p><b>Notice Requirement:</b> Covered employers are required to post a notice of employee rights under the Act in conspicuous places on the premises of the employer where notices to employees are customarily posted. The Secretary of Labor is required to make a model notice of employee rights available within seven days, or by March 25, 2020.</p>