Federal Policy Update: COVID-19

The Wynne Health Group
Making Health Policy Work For You

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Legislative Developments

1. Coronavirus Package #1:
   - *Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020*

2. Coronavirus Package #2:
   - *Families First Coronavirus Response Act*

3. Coronavirus Package #3:
   - *Coronavirus Aid, Relief & Economic Security Act (CARES Act)*
   - *a.k.a. “Phase 3” Coronavirus Stimulous Package*
Overall Focus: Funding for Federal, State & Global Response

Status: Signed into Law on March 6; Currently Being Implemented

Highlights:

- $3.1B for R&D + purchasing vaccines, therapeutics & diagnostics; stockpiling relevant supplies
- $2.2B public health funding
  - $950M for state & local public health
  - $560M for Public Health Emergency Preparedness
  - $9.3M for Colorado
- $100M CHCs; $836M for training to reduce worker exposure
- Medicare telehealth flexibilities
Coronavirus Package #1

Details for your review ...

- $8.3 billion in funding + authorization to expand Medicare telehealth

- Approx. $6.5 billion for HHS to support agency-led domestic & international coronavirus preparation and response.
  - $3.1 billion for research & development related to vaccines, therapeutics & diagnostics, including stockpiling of relevant supplies; medical surge capacity
  - $300 million for the fed. gov. to purchase vaccines, therapeutics or diagnostics at an affordable price.

- $ can be used for grants for the construction, alteration, or renovation or non-federally owned facilities to improve state/local preparedness and response capabilities.

- $100 million for grants via HRSA’s Health Centers Program to support primary care efforts led by CHCs for coronavirus preparedness and response activities.

- $2.2 billion in public health funding for prevention, preparedness and response – largely via the CDC. $950 million is earmarked in CDC grants to states and localities for surveillance, epidemiology, lab capacity, infection control, mitigation, communication, etc.

- $836 million is designated to the National Institute of Allergy & Infectious Disease including at least $10 million for worker-based training to prevent & reduce exposure of hospital employees, emergency first responders, & other workers at risk of exposure at work.

- $61 million to the FDA to support dev. and review (pre-market & post-market) of medical countermeasures, devices, therapies, and vaccines to combat coronavirus.
Overall Focus: Consumer Protections

Status: Signed into Law on March 18

Highlights:

- No Cost-Sharing for COVID-19 Diagnostic Testing
- State Options to Cover the Uninsured
- 6.2% Increase in Federal Medicaid Matching Funds (FMAP)
- Emergency Family and Medical Leave; Paid Sick Leave
- $ & flexibilities for nutrition programs (SNAP, WIC, etc.)
- Expands the types of PEP that can be used
- Real-time data reporting to CDC
Emergency Family & Medical Leave

- **Congress’ summary** can be accessed [here](#).

- Provides up to 12 weeks of job-protected leave to individuals who are unable to work onsite or remotely due to the need to care for a child under 18 years of age if the child’s school has been closed or the child care provider is unavailable (Note: Limited to individuals who work for employers with fewer than 500 employees); and

- Allows initial 10 days of leave to be unpaid, but requires the employer to provide paid leave (equal to no less than two-thirds of the employee’s usual pay) for each day after the employee takes the initial 10 days (Note: Caps paid leave at $200 per day and $10,000 total)
Emergency Paid Sick Leave

- [Congress’ summary](#) can be accessed [here](#).
- Requires employers with < 500 employees to provide employees with paid sick time if the employee is unable to work onsite or remotely due to any of the following:
  1. Employee is subject to quarantine or isolation;
  2. Health care provider advises the employee to self-quarantine;
  3. Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
  4. Employee is caring for an individual who is quarantined or isolated;
  5. Employee is caring for a child because the child’s school has been closed or the childcare provider is unavailable; or
  6. Employee is experiencing other substantially similar conditions.
Emergency Paid Sick Leave - Continued

- Full-time employees entitled to 80 hours of paid sick time;
- Part-time employees entitled to the # of hours an employee workers, on average, over a 2-week period
- Prohibits an employer from requiring an employee to use other paid leave before the employee can use paid sick time; and
- Emergency paid sick leave requirements expire 12/31/2020
Coronavirus Package #3
Coronavirus Aid, Relief, & Economic Security Act (CARES Act)

- Overall Focus: Economic Stimulus
- Status: Released March 19; Senate vote likely next week

1. Small Business Interruption Loans
2. Relief for Individuals, Families, & Businesses
3. Assistance to Severely Distressed Sectors of the Economy
4. Health Care Response*
5. Education Provisions
7. Temporary Guarantee for Money Market Mutual Funds
Coronavirus Package #3
Coronavirus Aid, Relief, & Economic Security Act (CARES Act)

Health Care Response: Highlights

- Medical Supply Shortages (Emergency use of laboratory-developed tests, etc.)
- Coverage for COVID-19 Diagnostic Testing, Vaccines & Preventive Services
- Support for Health Care Providers (Including $1.32 billion for Health Centers)
- Medicare Flexibilities
- Telehealth Measures
- HIPAA Modifications for Mental Health
Coronavirus Package #3  
Coronavirus Aid, Relief, & Economic Security Act

Labor Provisions: Highlights

- **Modifies FMLA**
  - Limits employer payments to no more than $200 per day & $10k total per employee
  - Created protections for **rehired employees** so that they qualify for FMLA if they were employed for 30 of 60 days before March 1, 2020

- **Limits the Emergency Paid Sick Leave Act**
  - Caps what employers are required to pay at $511 per day & $5,110 in total for each employee in certain circumstances; $200 per day, $10k total in other circumstances.
  - Limits paid sick leave to 80 hours or when an employee returns to work, whichever is less

- **Allows Federal Employee Exemptions:** OMB Director can exclude Executive Branch federal employees from FMLA and Paid Sick Leave

- **Safeguards Access to Unemployment Insurance:** States must ensure applications and assistance are available in person, by phone, or online
Other Key Updates

- **Housing:**
  - Foreclosures and Evictions Paused Until the End of April; protections for mortgages

- **National State of Emergency**
  - State flexibilities created as a result
  - Section 1135 waivers

- **Defense Production Act**
  - Invoked March 19 with the potential to mitigate medical supply shortages in response to COVID-19
  - Make up to 5 million N95 respirator masks
Interested in Additional Updates?

- Wynne Health Group Blog
  - [Ongoing COVID-19 Updates](#)
  - Catalogue of Federal Activity as of March 19, 2020:
    - [Blog version](#)
    - [Shareable memo version](#)
- Twitter Updates
  - @wynnehealth
  - @dawn_joyce
  - @alyssallamas
  - @taylorcowey
  - @josh_larosa
- Free Daily Newsletter
  - Content: *All federal policy topic, not solely COVID-19*
  - Email [Erin@wynnehealth.com](mailto:Erin@wynnehealth.com) to sign up
Thank you!

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