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Federal Policy Update: **COVID-19**

The Wynne Health Group
Making Health Policy Work For You

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March 20, 2020

Wynne
Health Group



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*



Coronavirus Package #1

Coronavirus Preparedness & Response Supplemental Appropriations Act, 2020



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 ...

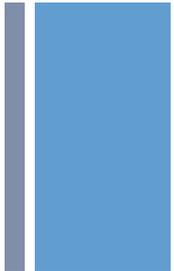


- **\$8.3 billion** in funding + authorization to expand **Medicare telehealth**
- Approx. **\$6.5 billion** for HHS to support agency-led domestic & international coronavirus preparation and response.
 - \$3.1 billion for **research & development** related to **vaccines**, therapeutics & diagnostics, 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.



Coronavirus Package #2

Families First Coronavirus Response Act



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*



+ Coronavirus Package #2

Families First Coronavirus Response Act



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-third 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)



Coronavirus Package #2

Families First Coronavirus Response Act



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.



Coronavirus Package #2

Families First Coronavirus Response Act

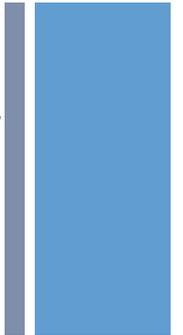
Emergency Paid Sick Leave - Continued

- Full-time employees entitled to 80 hours of paid sick time;
- Part-time employees entitled to the # of hours an employee works, 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
6. Labor Provisions
7. Temporary Guarantee for Money Market Mutual Funds
8. Budgetary Provisions





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 to sign up

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Thank you!

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