Policy Brief

April 10, 2020

COVID-19 Health Care Funding

On March 18, 2020, the President signed into law H.R. 6021, the *Families First Coronavirus Response Act* (FFCRA). On March 27, 2020, the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* was also signed into law. This provided $2.2 trillion in new spending to help individuals and businesses weather the economic downturn caused by COVID-19. These two packages also provide funding opportunities for health care systems. **Click on the table below to view these opportunities and learn *how* to access these funds.**

Funds	Description	Eligible Entities	How to Access Funds	Other Information
Medicare Advanced Payments	CMS announced an expansion of its Accelerated and Advance Payment Program for Medicare-participating health care providers and suppliers. These payments provide emergency funding and address cash flow issues based on historical payments when there is a disruption in claims submission and/or claims processing. Inpatient acute care hospitals, children's hospitals and certain cancer hospitals are able to request up to 100% of the Medicare payment amount in advanced for a six-month period. Critical Access Hospitals (CAH) can request up to 125% of their payment	All fee-for-service Part A and B providers/suppliers are eligible *if* they: • Have billed Medicare in the past 180 days • Are not in bankruptcy • Are not under active medical review or a program integrity investigation • Do not have any outstanding delinquent overpayments	Eligible entities must submit a request to the appropriate Medicare Administrative Contractor (MAC). The forms are available in each MAC website. Each MAC will review and issue payments within seven calendar days of receiving the request. All MAC decisions will be sent to the email provided in the form. There is currently no process to appeal the payment calculated by the MAC.	Status: Forms are already available on MAC websites for providers to request advanced payments. As of April 9th, CMS has approved over 17,000 requests for advanced payments out of the 25,000 received. Approximately $34 billion in Medicare advanced payments have been awarded. Resources: CMS guidance is available here.

Updates on COVID-19 Regulations

AHPA continues to follow new COVID-19 regulations, guidance and other government actions. The updates below are the latest guidance and other developments since March 27th to help mitigate the impacts of COVID-19. For earlier COVID-19 regulation and guidance, visit the last [Policy Brief](#).

Supply Chain Relief

- FDA Issues Updated [Emergency Use Authorization](#) and [Guidance](#) for Non-NIOSH-Approved N95s
- CDC Issues [Guidance](#) on Decontamination and Reuse of Filtering Facepiece Respirators
- FDA [Approves](#) First Coronavirus Antibody Test in the U.S.
- The President [Expands](#) the Defense Production Act to Address Ventilator Shortage
- The Surgeon General Issues [Guidelines and Strategies](#) for Optimizing Ventilator Use
- CDC Issues PPE Conservation [Guidance](#)
- FDA [Approves](#) Abbot Laboratories COVID-19 Test that Diagnoses Infections in Minutes
- FDA Relaxes [Enforcement Policy](#) for Face Masks and Respirators During COVID-19

Regulatory Waivers and Guidance

- CMS [Final Interim Rule](#) on Flexibility to Providers During the Public Health Emergency
- CMS [Updates](#) Infection Control Guidance Based on CDC Guidelines
- CMS [Updates](#) Elective Surgery and Procedures Recommendations
- CMS Updates Ventilator [Guidance](#) with New HCPSC Code
- CMS Releases [Guidance](#) on Temporarily Enrolling Ambulatory Surgical Centers as Hospitals
- CMS Issues [Informational Bulletin](#) on Rural Health and SUD Telehealth Treatment
- CMS Applies "Extreme and Uncontrollable Circumstances" [Policy](#) in MIPS
- CMS Issues [Guidance](#) for All COVID-19 ICD-10 Codes
- CMS and CDC Release [Recommendations](#) for Nursing Homes During COVID-19
- FDA Updates Blood Donation [Guidance](#)
- FDA Releases [Guidance](#) on Enforcement Policies for Infusion Pumps
- OCR Issues a HIPAA Enforcement Discretion [Notification](#)

- CMS Releases [Final Interim Rule](#) on Hospital Flexibility to Treat COVID-19 Patients
- CDC Issues [Interim Considerations](#) for Control of COVID-19 for Inpatient Obstetrics
- CMS Releases [New Specimen Collection Codes](#) for Labs Billing for COVID-19 Testing
- CMS Releases [Guidance](#) for Clinical Laboratories
- OCR Sends [Bulletin Reminder](#) on Civil Rights Laws and HIPAA Flexibilities
- CMS Issues Additional Medicaid Federal Medicaid Assistance Percentage (FMAP) [Guidance](#)
- HRSA Updates [Guidance](#) on the 340B Program During COVID-19

Health Care Emergency Funding

- CMS Provides [Accelerated and Advanced Payments](#) for Providers During COVID-19, Totaling $34 Billion in One Week

Support for the Workforce During the Pandemic

The COVID-19 public health emergency is affecting every part of our communities' health, including the workforce. Last week, more than 6.6 million Americans filed for unemployment support—the [highest level](#) of new claims in history after seasonal adjustments. Health care systems are fighting to protect the physical and mental health of their team members while meeting the ever-increasing [staffing need](#) for clinical workers. Federal, state and local governments—as well as community supporters—are working alongside employers to meet workers' needs during a turbulent time.

How is the federal government trying to help?

In the [Families First Coronavirus Response Act](#), the federal government has provided new leave benefits for employees, tax credits to help businesses extend paid sick leave and earmarked funds for health plan expenses. As a result of the new legislation, the Department of Labor has issued temporary regulations to implement emergency paid sick leave and expand the Family and Medical Leave Act (FMLA). An additional [$3.5 million](#) in funding for childcare during the pandemic was included in the CARES Act, as well. The federal government is also sending one-time, [$1200 payments](#) to roughly 60 million Americans to partially offset the impact of reduced or lost wages.

What about states?

State governments, as well as local agencies and employers, have begun crafting initiatives to support the workforce through the pandemic. Some, like Arkansas, are giving direct payments of $1,000 to $2,000 per month to health care workers until the emergency is over to help offset the increased costs and hazards. Others are relaxing licensure restrictions, allowing employers to expand the service areas of clinicians' virtual visit capabilities. States, alongside employers, are using the COVID-19 resources from the Society for Human Resource Management to craft policies that allow people to work with little, or no, in-person contact.

More support is still needed.

Employees' needs during the pandemic are still growing—even for those who may work in health care. While some roles easily transition to teleworking, team members filling nutrition, environmental services or retail roles face greater challenges. Many hourly workers have difficulty accruing paid sick leave; 70% have no access to paid sick leave at all. Across industries, employees are increasingly accessing food banks and soup kitchens to keep their households fed. As nearly all schools have closed, team members report needing increased flexibility and childcare supports.

Election Watch 2020: News from the Campaign Trail

The journey to the 2020 presidential election continues. Below are the latest highlights from the campaign trail:

- Senator Bernie Sanders (I-VT) has dropped out of the 2020 democratic race, making Joe Biden the presumptive nominee for the Democratic Party.
- The Democratic National Convention, which was slated to take place in Milwaukee in July, has been rescheduled for the week of August 17th in light of the public health emergency.
- Top Republican officials are taking a disparate approach, saying, "the show must go on." To date, the Republican National Convention has not been rescheduled.
- The following 15 states have either postponed their primaries or switched to voting-by-mail because of the COVID-19 pandemic: Alaska, Connecticut, Delaware, Georgia, Hawaii, Indiana, Kentucky, Louisiana, Maryland, New York, Ohio, Pennsylvania, Rhode Island, West Virginia and Wyoming.

A Look at the Federal Register

Paid Leave Under the Families First Coronavirus Response Act

The Wage and Hour Division has released a temporary rule to implement public health emergency leave under Title I of the Family and Medical Leave Act (FMLA) and emergency paid sick leave. This temporary rule is set to expire on December 31, 2020.

Medicare and Medicaid Programs; Policy and Regulatory Revisions in Response to COVID-19

CMS has released an interim final rule that changes Medicare payment rules during the public health emergency. Additional provisions of the rule include payment policies for independent laboratories, ambulance transports under Medicare Part B and programmatic changes to the Comprehensive Care for Joint Replacement (CJR) model related to the pandemic. These regulations became effective on March 31st. **Comments on the interim rule are due by June 1, 2020.**

IN OTHER NEWS

"Swept Up By FEMA": Complicated Medical Supply System Sows Confusion – New York Times

COVID-19 is Disproportionately Taking Black Lives – Vox

10 Ways HHS' Finalized Interoperability Rules Differ from the Proposed Version – Becker's

You're Doing Great: How to Care for Yourself During the Pandemic – The Atlantic

COVID-19 Coverage: Public Transit's Death Spiral – Axios

Kayleigh McEnany to Take Over as White House Press Secretary – The Hill