

# COVID-19 LEGISLATION: WHAT YOU NEED TO KNOW

Information To Know About H.R. 6074 and H.R. 6102, Bills Passed By The House To Address The Coronavirus

## CORONAVIRUS COVERAGE:

- **Commercial Insurers**
  - o All commercial insurance must cover, and impose at no cost-sharing for, testing products for COVID-19, including the administration of these products and office visits, urgent care center visits, and emergency room (ER) visits related to testing for COVID-19.
- **Medicaid and CHIP**
  - o Zero cost-sharing in the Medicaid program and Children's Health Insurance Program (CHIP) for services related to the issuance of a diagnostic or a diagnosis of COVID-19, waiving all cost sharing for labs and diagnostics.
- **Uninsured**
  - o State option and appropriations fund to provide coverage for the uninsured for these services through the Medicaid program, providing states with 100% Federal Medical Assistance Percentages (FMAP) for all the services related to the cost sharing for those states taking up this state option.
  - o Moreover, \$1 billion has been appropriated into the Public Health and Social Services Emergency Fund for the National Disaster Medical System to pay provider claims for health services consisting of SARS-CoV-2 or COVID-19 related items and services for uninsured individuals.
- **Medicare Part B and Medicare Advantage**
  - o Zero cost-sharing for services related to the issuance of a diagnostic for or a diagnosis of COVID-19 and a beneficiary's deductible will not apply in Medicare Part B or Medicare Advantage plans (many beneficiaries have Medigap that covers the Part B deductible). Includes administration of the diagnostic test, the doctor's visit, hospital services, ER visits, Skilled Nursing Facilities (SNFs), and home health services related to the COVID-19 diagnostic test.
- **TRICARE**
  - o Secretary of Defense and Secretary of Veterans Affairs may not require any copayment or other cost sharing for COVID-19 related items and services. Also states that no copayment or other cost sharing may be required for any individual occupying a position in the civil service.
- **Indian Health Service**
  - o IHS may not require any copayment or other cost sharing under the contract health services program funded by the IHS for any COVID-19 related items and services.
- **Test Kits**
  - o Currently, all CDC National Labs have the capabilities to test for COVID-19.
  - o As of last week, many commercial labs have begun testing for the virus as well.

## CORONAVIRUS RESOURCES:

- **Respiratory Protective Devices**
  - o N95 respirator manufacturers are protected from certain liabilities for emergency use of personal respiratory devices during the period of January 31, 2020 to October 1, 2024. This is in order to meet the current demand of N95 masks.
- **Medicaid FMAP**

- 6.2% increase on their traditional FMAP for all medical services, if they agree to certain terms, which will last the length of the Public Health Emergency. This will not apply to either an expansion or administrative FMAP.
  - Also provides territories to a 6.2% increase in Medicaid FMAP.
- **Telehealth**
  - Clarifies the Coronavirus Preparedness and Response Supplemental Appropriations Act of 2020 to ensure Medicare can cover telehealth services for the purposes of treating and diagnosing COVID-19 regardless of where they live.

## EMPLOYER REQUIREMENTS:

- **Qualified Sick Leave Wages**
  - Businesses with fewer than 500 employees must pay up to 80 hours of emergency paid sick leave to full-time employees (pro-rata rules apply to part-time employees) who are home sick from coronavirus, complying with a quarantine, or taking care of an individual who has been infected. This leave also applies to working families who may be forced home due to school closures.
    - Federal government will provide employers with a refundable payroll tax credit of 100 percent of the required wages, but capped at \$200 per day (\$511 per day in the case of employees that are home sick from coronavirus or complying with a quarantine).
- **Qualified Family Leave Wages**
  - Businesses with fewer than 500 employees must provide an additional 12 weeks of paid leave due to the employee being quarantined, caring for a family member that is quarantined, or caring for a child whose school is closed.
    - The first 2 weeks of the leave, which is covered by the qualified sick leave described above, may be unpaid.
    - During the remaining 10 weeks, the employer will pay 2/3 of the employee's salary.
    - Federal government will provide businesses with a refundable payroll tax credit of 100 percent of the required wages, but capped at \$200 dollars per day for up to 50 days.
    - Secretary of Labor may issue rules to exempt small businesses with fewer than 50 employees from these requirements when the imposition of such requirements would jeopardize the viability of the business as a going concern.
- **Unemployment Insurance for Workers**
  - Provides \$500 million for emergency administrative grants to states to support timely application, processing and payment of unemployment claims.
  - Makes an additional \$500 million available for 100 percent federally funded Extended Benefits to support states that experience a spike in unemployment of at least 10 percent and eases some federal eligibility requirements to improve access.
  - Allows states to access interest-free federal loans to pay unemployment benefits, if needed.

