

## TODAY IN WASHINGTON - MARCH 24, 2020: COVID-19 UPDATES

### TUESDAY, MARCH 24 RECAP

*Note – We believe this is the most up-to-date information available at this time, but it is subject to change as circumstances warrant. Also, all finalized resources can be found on the [COVID-19 Resource Center page of Hall Render's website](#).*

### CONGRESSIONAL OUTLOOK

- Negotiations in the Senate over the third stimulus bill continued today with Senate Minority Leader Chuck Schumer (D-NY) saying tonight “we’re on the 2 yard line.”
- Hall Render has learned that 5 issues are still being negotiated, including SNAP funding, expanding the paid leave provisions in the second stimulus bill so they apply to companies with more than 500 employees, multi-employer pension funding, support for postal workers and allowing Americans to vote by mail.
- Negotiations over the health care provisions is believed to be complete. According to statements made by Sen. Schumer today, the bill could contain as much as \$130 billion in direct funding to hospitals for lost revenue, COVID-19-related costs and other pandemic-related expenses.
- Other provisions are expected to include \$500 million for hospital preparedness, \$1.7 billion to \$275 million to expand services and capacity for rural hospitals, telehealth, poison control centers and the Ryan White HIV/AIDS program. Although, these funding levels could be higher depending on the negotiations still underway at this time.
- While House Speaker Nancy Pelosi (D-CA) has yet to sign off on the Senate bill, the House is expected to quickly pass it by voice vote once it reaches that chamber.
- Members of the House Democratic Leadership indicated today there will be a fourth, and perhaps a fifth, stimulus bill. Those measures are expected to include many provisions intended to correct errors or oversights in the coronavirus-related bills passed to date.

### HHS ANNOUNCES \$100 MILLION FOR HEALTH SYSTEMS TO PREPARE FOR COVID-19 PATIENTS

- HHS **announced** \$100 million in funding through the National Special Pathogen System to aid U.S. health care systems in preparing quickly for a surge in COVID-19 patients.
- The press release states that hospital associations will distribute funds directly to hospitals and other related health care entities for special pathogen preparedness and response in their states and jurisdictions. The associations also will collaborate closely across the health care systems and health care coalitions in their respective state or jurisdiction to provide the HHS Office of the Assistant Secretary for Preparedness and Response (“ASPR”) with situational awareness including hospitals’ response needs throughout the pandemic.
- These funds were part of the second stimulus bill that was signed into law last week and should not be confused with the \$100 billion dollars in direct funding to hospitals that is in the Senate bill currently being finalized.

### FROM THE ADMINISTRATION

- President Trump issued an **Executive Order** on preventing hoarding and price-gouging of health and medical resources.
- **Fact sheet** found [here](#).

### FDA ACTION TO INCREASE PPE SUPPLIES

- The FDA issued **instructions to manufacturers** to engage with importers and others involved in the import trade community during this pandemic to facilitate the entry of needed products, including PPE, into the U.S.

### OCR ISSUES GUIDANCE ON FIRST RESPONDERS RECEIVING PROTECTED HEALTH INFORMATION

- HHS Office for Civil Rights (“OCR”) **issued guidance** on how covered entities may disclose protected health information (“PHI”) about an

individual who has been infected with or exposed to COVID-19 to law enforcement, paramedics, other first responders and public health authorities in compliance with HIPAA.

#### **ANTITRUST AGENCIES TEAM UP TO EXPEDITE REVIEW FOR COVID-19 EFFORTS**

- The DOJ and the FTC **issued a statement** announcing expedited antitrust reviews. They will respond to COVID-19-related requests regarding public health and safety within seven calendar days.
- The DOJ and FTC say that health care providers may need to work together to treat patients, and other businesses may need to temporarily combine production and distribution to provide needed supplies.

#### **CMS ISSUES PRIORITIZATION OF SURVEY ACTIVITIES MEMORANDUM**

- CMS issued a **memorandum** outlining prioritization of survey activities during the COVID-19 public health emergency.

#### **CMS ISSUES SECTION 1135 WAIVERS FOR 11 STATES**

- On March 23, CMS **approved waivers** for 11 states to provide relief on a number of issues such as prior authorization and provider enrollment requirements, suspending certain nursing home pre-admission reviews and facilitating reimbursement to providers for care delivered in alternative settings due to facility evacuations.
- The states that received waivers are: Alabama, Arizona, California, Illinois, Louisiana, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina and Virginia.

#### **CDC UPDATES GUIDANCE**

- The CDC issued **updated guidance** on discharging patients for health care personnel managing COVID-19 patients. The CDC also **updated guidance** on those who are higher risk for COVID-19 infections.

For more information, please contact:

- **John Williams III** at (202) 370-9585 or [jwilliams@hallrender.com](mailto:jwilliams@hallrender.com);
- **Andrew Coats** at (202) 370-9587 or [acoats@hallrender.com](mailto:acoats@hallrender.com);
- **Abby Kaericher** at (202) 780-2989 or [akaericher@hallrender.com](mailto:akaericher@hallrender.com); or
- Your regular Hall Render attorney.

To access Hall Render's COVID-19 resource page and hotline, click [here](#).