

## TODAY IN WASHINGTON - MARCH 27, 2020: COVID-19 UPDATES

### FRIDAY, MARCH 27 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

- Despite a last minute procedural objection from Rep. Tom Massie (R-KY), the House approved the CARES Act by voice vote today, and President Trump has signed it into law.
- Most of the focus will now switch to the federal agencies responsible for implementing the law's complex provisions, including how eligible health care providers can apply for and receive their share of the \$100 billion Congress allocated to help offset expenses and revenue losses incurred in fighting the coronavirus.
- In the meantime, House Speaker Nancy Pelosi (D-CA) has already signaled a desire to begin work on a fourth stimulus bill and even sees the need for a fifth. Conversations with congressional staff indicate the legislation she introduced earlier this week as an alternative to the CARES Act could be used as the starting point for the fourth package. While many of those provisions were included in the CARES Act, others are still eligible for consideration. Those provisions, and others that could be part of the next bill, include:
  - A two-year moratorium on further action by CMS to finalize the proposed Medicaid Fiscal Accountability Rule ("MFAR").
  - Revising the Families First Coronavirus Response Act ("FFCRA") (second stimulus bill) so that federal, state and local government employers are eligible for the paid leave tax credits.
  - Further expanding family and medical leave under existing federal law to include taking care of parents in cases where they aren't associated with health centers or other providers.
  - Additional funding for rural health care providers.
  - Funding to provide free care to coronavirus victims.

### FROM THE ADMINISTRATION

- President Trump issued an [order under the Defense Production Act](#) to require General Motors to accept, perform and prioritize federal contracts to produce ventilators.
- President Trump also issued an [executive order](#) delegating additional authority under the DPA with respect to Health and Medical Resources to respond to the COVID-19 pandemic.

### DOL ISSUES ADDITIONAL GUIDANCE ON PAID SICK LEAVE, EXPANDED FMLA

- The Department of Labor ("DOL") released new guidance on provisions in the FFCRA when it takes effect on April 1, 2020. [The new guidance](#) includes questions and answers addressing critical issues such as what documents employees can be required to submit to their employers to use paid sick leave or expanded family and medical leave; whether workers can take paid sick leave intermittently while teleworking; and whether workers whose employers closed before the effective date of the FFCRA can still get paid sick leave.

### CMS APPROVES ADDITIONAL SECTION 1135 WAIVERS

- CMS [announced](#) the approval of its 34<sup>th</sup> state Medicaid waiver request under Section 1135 of the Social Security Act. In general, the [waivers](#) grant relief from items such as prior authorization and provider enrollment requirements, and they facilitate reimbursement to providers for care delivered in alternative settings due to facility evacuations.

### CMS EASES CERTAIN CLIA LABORATORY REQUIREMENTS

- CMS [announced](#) a relaxed enforcement policy for the Clinical Laboratory Improvement Amendments ("CLIA") requirements during the

COVID-19 public health emergency.

## FROM THE FDA

- The FDA **issued** a statement discussing the latest actions to increase the supply of ventilators, ventilator tubing connectors and ventilator accessories during the COVID-19 pandemic.

## FCC EXTENDS RURAL HEALTH CARE PROGRAM DEADLINES

- The Federal Communications Commission ("FCC") **extended** the application deadline for the Rural Health Care Program to June 30, which provides funding for eligible health care providers to support telehealth services.

## HALL RENDER HOSTS FREE TELEHEALTH WEBINAR

- Hall Render attorneys Chris Eades, Mike Batt and Tara Kepler are hosting a FREE webinar entitled "Navigating the Use of Telemedicine During the COVID-19 State of Emergency" on Tuesday, March 31 at 1:00 PM EDT. This webinar will highlight the federal and state level actions that have been taken to facilitate the use of telemedicine during this COVID-19 emergency period. Please register here: <https://bit.ly/3bnS4l6>.

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