

COVID-19

Federal and State Legislative Update

Current as of July 14, 2020



Federal Legislation

Coronavirus Aid, Relief, and Economic Security Act

Known as the "CARES Act" ([H.R. 748](#)), signed by President Trump on 3/27/20

Provides emergency assistance and health care response for individuals, families, and businesses affected by the COVID-19 pandemic and provides emergency appropriations to support Executive Branch agency operation during the COVID-19 pandemic.

Clarifies that individual and group health plans must cover and waive cost-sharing and prior authorization/medical management requirements for the following items during the COVID-19 public health emergency declaration:

- COVID-19 testing (including those without an emergency use authorization by the FDA, tests developed or authorized by States, and other tests that the HHS deems appropriate in guidance)
- Test-related items and services provided during provider visits, urgent care visits, and ER visits that result in an order of a COVID-19 test

Creates a safe harbor for coverage of telehealth services by High Deductible Health Plans for the 2020 and 2021 plan years. Plans shall not fail to be treated as a high deductible health plan by reason of failing to have a deductible for telehealth and other remote care services.

Families First Coronavirus Response Act ([HR 6201](#)), signed by President Trump on 3/18/20

Extends paid leave to those affected by the virus and parents with children not in school; increases unemployment insurance and food assistance; and assures free COVID-19 testing.

COVID-19 Testing

The bill provides for coverage of diagnostic testing during the emergency period identified in the bill, as follows:

- Private insurance: Requires private health plans to provide coverage for diagnostic testing, including U.S. Food and Drug Administration (FDA)-approved COVID-19 diagnostic testing products and items and services related to testing furnished during an office, telehealth, urgent care center or emergency room visit. These services must be covered without cost-sharing (including deductibles, copays or coinsurance), prior authorization or medical management requirements.
- (Update from April 11) CMS, in conjunction with the Departments of Labor and Treasury, issued clarifying guidance that the COVID-19 testing mandates for private health plans under both bills includes serological testing for COVID antibodies without cost-sharing. Click [here](#) to read that guidance.

Employer Provisions

There are three provisions that are of interest to employers: (1) the Public Health Emergency Leave provision, (2) the Emergency Paid Sick

Leave provision and the provision for certain employer payroll tax credits.

These provisions generally apply to employers with fewer than 500 employees. There are a couple of exceptions to the Public Health Emergency Leave that apply to much smaller employers noted below. The Emergency Paid

Sick Leave provision applies to private entities with fewer than 500 employees, but also applies to governmental entities that employ more than one employee.

Review this [Overview of Employer Paid Leave Requirements and Tax Credit Provisions](#).

Pennsylvania State Legislation

The following is a list of legislation recently signed into law by Governor Wolf as part of the state's response to the Covid-19 pandemic

- Act 9, formerly House Bill 68, makes applying for unemployment compensation easier for workers affected by the COVID-19 pandemic, waiving the one week waiting period and job search and work registration requirements for claimants, providing relief from benefit charges for employers whose account would otherwise be charged, increasing timeframes and allowing for interest-free payment plans, and granting the secretary with the ability to adopt temporary regulations to ensure compliance with federal law.
- Act 10, formerly House Bill 1232, provides \$50 million for the purchase of medical equipment and supplies for hospitals, nursing facilities and emergency medical services, and extends tax filing and tax collection deadlines from April 15 until mid-July.
- Act 12, formerly Senate Bill 422, reschedules the 2020 Primary Election from April 28 to June 2 and includes changes to all for earlier processing of mail ballots and consolidation of polling locations for the primary election.
- Act 13, formerly Senate Bill 751, waives the requirement for schools to be in session at least 180 days and providing for continuity of education plans, ensures school employees are paid during a shutdown and waiving standardized testing requirements.
- Act 15, formerly Senate Bill 841, reauthorizes Pennsylvania Health Care Cost Containment Council and requires it to study the impact of COVID-19 on hospitals and health systems, allows local governments to conduct remote public meetings, provides flexibility on property tax deadlines, allows school districts to renegotiate contracts with service providers and allows remote notarization of documents.
- Act 17, formerly House Bill 1869, allows ambulance companies to apply to the Pennsylvania Department of Health for a waiver on staffing requirements for a Basic Life Support (BLS) ambulance services as a result of staffing shortage worsened by the COVID-19 pandemic. The bill also includes benefits for police and members of the Pennsylvania National Guard who may be subject to quarantine due to illness caused by or exposure to COVID-19.
- Act 19, formerly Senate Bill 67, allows Pennsylvania to join with other states and become part of the Psychology Interjurisdictional Compact (PSYPACT), allowing the practice of telepsychology across state lines for 30 days in a calendar

year. Under PSYPACT, licensed psychologists will be able to apply to practice telepsychology and conduct temporary in-person, face-to-face practice in other states in the compact.

- Act 24, formerly House Bill 2510, appropriates \$350 million in federal funding to assist those in the state’s nursing and personal care homes and assisted living facilities by establishing newly-formed public – private partnerships between the Department of Human Services and academic medical centers. The Department

plans to divide a total of \$175 million among the regional collaboratives to test each facility resident; coordinate training and provision of equipment, respond to outbreaks; and, conduct contact tracing, among other responsibilities. The additional \$175 million would be used to pay for testing.