

**From:** Dawn Sabo  
**Sent:** Thursday, April 2, 2020 2:52 PM  
**To:** Dawn Sabo  
**Subject:** COVID-19 Business Implications Bulletin for CFOs and CEOs - Bulletin #3  
**Attachments:** Small Business Owners Guide to the CARES Act final.pdf; Cashflow\_\_\_Payroll\_Options\_-\_as\_of\_4-1.docx

Dear CFOs and CEOs,

This email contains financial/business-focused information for you all. As you know, Bi-State has been sending COVID-19 bulletins to CEOs and Medical Directors for the past few weeks (archive of past bulletins can be found [here](#)). It includes federal, New Hampshire, and Vermont updates.

First and foremost, as we instructed in our last email: **track all your COVID-19 related costs**. Today's fun fact is that it is possible (not guaranteed, alas) for you to get reimbursed for your PPE used during this pandemic- that's part of why tracking these costs matters. In order to be considered for this reimbursement, you need to continue to make PPE requests through your local/state channels so there is the 'formal request' to reference in the future. While the full process for this is not quite clear, we wanted to let you know that this existed – more to come in the future!

Other topline include: FTCA updates, 340B, new NHSC FAQ, Licensure/credentialing, and a round-up of funding resources. Finally, things change, so we encourage you to click the links for updated guidance and additional detail.

Today's PSA: Zoom bombing- nope, not as fun as a photobomb. For highly publicized webinars, some nefarious actors are joining, making noise, disrupting presentations, etc. This is an unfortunate consequence of everyone trying to share information broadly. Hopefully this won't impact you all too much.

## **Federal:**

### **Federal Funding Round-Up:**

As we indicated on the call Tuesday, we recommend that you reach out to your bank to determine which programs will be best for your organization in these circumstances. They can help you determine which federal and state programs are best for you. We have also included a list of webinars at the end of this message that you may want to attend to learn more about the intersection of the federal and state benefits:

### **CARES Act:**

#### *Paycheck Protection Program*

This law sets aside \$349 billion for small businesses (under 500 employees), including health care providers. These are federally guaranteed loans through commercial banks and may be fully forgivable provided the organization can demonstrate that the funds were used as intended. We recommend that you apply as soon as possible since there is a cap to this fund (it could be raised in Stimulus #4) and so getting in early could be advantageous to you- the Treasury Dept. released this [handy fact sheet](#) (VT: ACCD has some helpful resources [here](#); NH: COVID-19 business resources are [here](#)). Highlights of this program include:

- Loans may cover any aspect of employee compensation, as well as mortgage, rent, and utilities.
- Can be used to cover costs incurred between February 15, 2020 and June 30, 2020.
- Maximum loan amount is generally 2.5 times the average total monthly payments by the applicant for payroll costs incurred during the 1-year period before loan's origination date. Total loan amount of up to \$10 million.
- Maximum interest rate is 4%, with no fees.

- Requires lenders to defer all payments including principal, interest, and fees for no less than 6 months and no more than 1 year.
- Applicants may apply for loan forgiveness if the funds are used to maintain payroll, make mortgage/rental payments, and pay utilities.
- Incentivizes borrowers to retain current staffing and salary levels, because the amount of loan forgiveness is reduced if the employer reduces employee numbers or wages by 25% or more.

#### *Small Business Debt Relief Program:*

This category of loans is for those organizations that do not also receive Paycheck Protection Program loans (although you can participate in both this and the PPP), Disaster loans, 504 loans, and microloans. These are organized through the SBA, and they can help you navigate the various options available (this stuff gets complicated quickly...).

#### *Economic Injury Disaster Loans & Emergency Economic Injury Grants:*

These grants provide an emergency advance of up to \$10,000 to small businesses and private non-profits harmed by COVID-19 within three days of applying for an SBA Economic Injury Disaster Loan (EIDL). To access the advance, you first apply for an EIDL and then request the advance. The advance does not need to be repaid under any circumstance, and may be used to keep employees on payroll, to pay for sick leave, meet increased production costs due to supply chain disruptions, or pay business obligations, including debts, rent, and mortgage payments.

Some documents to help understand these are attached:

- [Cashflow Payroll Options](#) – This NACHC document is as of 4/1 (this includes helpful information on the Families First Act and paid leave and is updated from the version sent on 3/30 as NACHC is updating regularly).
- [Small Business Owners Guide to the CARES Act](#)—this document is a great summary of your options.

#### **CMS Accelerated and Advance Medicare Payments**

CMS is expanding its accelerated and advance payment program for Medicare participating health care providers during the public health emergency related to COVID-19. To qualify for accelerated or advance payments, the provider or supplier must:

- Have billed Medicare for claims within 180 days immediately prior to the date of signature on the provider's/ supplier's request form,
- Not be in bankruptcy,
- Not be under active medical review or program integrity investigation, and
- Not have any outstanding delinquent Medicare overpayments.

Medicare is accepting requests now, and CMS anticipates that the payments will be issued within seven days of the provider's request. An informational fact sheet on the accelerated/advance payment process and how to submit a request can be found here: [www.cms.gov/files/document/Accelerated-and-Advanced-Payments-Fact-Sheet.pdf](http://www.cms.gov/files/document/Accelerated-and-Advanced-Payments-Fact-Sheet.pdf)

#### **FCC will reimburse costs of telehealth equipment and services**

The [FCC will provide \\$200 million](#) to help eligible health care providers purchase telecommunications, broadband and devices to provide telehealth services to COVID-19 patients. These funds were made available through the CARES Act. We don't have details yet on when and how the funds will be made available, but we expect that health care providers will be eligible to have these costs fully reimbursed. We will provide more info as soon as it becomes available. The FCC is rolling out other waivers (ie. to waive consumer fees in some rural areas for broadband) and supports. Information on their effort can be found [here](#).

#### **HRSA Guidance:**

### *Separate HRSA Grants Management COVID-19 FAQ \*this is a different FAQ from the main COVID-19 one\**

In addition to the HRSA FAQ (which focuses on the health center program), HRSA also keeps adding FAQs to a separate grants management FAQ webpage. We sent out the link last week, but when we looked at it today, the number of questions had lengthened. So, it is important to visit both FAQs regularly:

HRSA Health Center COVID-19 FAQ: <https://bphc.hrsa.gov/emergency-response/coronavirus-frequently-asked-questions.html>

HRSA Grants Management COVID-19 FAQ: <https://www.hrsa.gov/grants/manage-your-grant/COVID-19-frequently-asked-questions>

### *HRSA will be calling you today/tomorrow 4/2-4/3 about Testing Capacity; New Health Center Survey Process*

With apologies for the late-breaking notice, we learned this morning that HRSA staff will be calling all health centers to get information about COVID-19 testing capacity before Friday. HRSA understands that this is not the preferred process, but HRSA has need for specific information that was not collected on last week's survey ASAP. Later today or tomorrow, a BPHC staff member will contact the health centers for a brief conversation regarding their health center's current COVID-19 testing capacity. The conversation should take no more than five minutes. Thank you for your responsiveness.

Separately, HRSA is revisiting its Health Center COVID-19 survey process and anticipates changing it to be a weekly survey, with first response due 4/10/2020.

### **340B**

This section includes some 340B updates including FAQs, policy and procedures guidance, and audit information:

#### *FAQ: Will HRSA provide waivers for 340B Drug Pricing Program eligibility or compliance requirements?*

HRSA understands that many 340B Program stakeholders are concerned about the evolving impact of COVID-19. If a covered entity has a specific concern about 340B eligibility or compliance, they should contact the 340B Prime Vendor [via email or at 1-888-340-2787 \(Monday-Friday, 9:00 a.m. to 6:00 p.m. ET\)](mailto:340B@hrsa.gov). For more information, visit the [HRSA Office of Pharmacy Affairs COVID-19 Resources webpage](#).

#### *Potential 340B policy and procedure change for emergency (thanks Ohio!):*

In addition to the language you should add to your 340B P&Ps regarding HRSA's flexibilities for 340B eligibility (found here: <https://www.hrsa.gov/opa/emergencies.html>), I am including language that covers Emergency Refill Exceptions permitted by the State Board of Pharmacy. Suggested language from Ohio is:

[Covered Entity Name] may consider the following 340B Eligible during a declared public health emergency or disaster:

- Any emergency refills or refill extensions warranted by the State Board of Pharmacy as long as the prescription is based upon an original 340B eligible prescription.
- On a case-by-case basis, other prescription fill exceptions permitted by the State Board of Pharmacy or other governing body for the duration of the emergency for patients in which [Covered Entity Name] has demonstrated responsibility of care.

#### *Got audit?*

If you have a 340B audit scheduled in the near future, HRSA's Office of Pharmacy Affairs (OPA) advises that you email your 340B Auditor and request a postponement or cancellation based on a description of the operating circumstances at your Center which would prohibit the Center's participation in the audit.

If you do not hear from your 340B auditor or are not satisfied with their response, please contact the HRSA Office of Pharmacy Affairs directly via Ann Pierpoint at [APierpoint@hrsa.gov](mailto:APierpoint@hrsa.gov)

### **FTCA/Liability (see below for some state-specific information in this area too):**

*Does FTCA cover providers at alternate services? I.e. a Particularized Determination*

HRSA issued a [particularized determination for health center providers](#) (notably, this is a fun read) (PDF - 35 KB) that clarifies eligibility for FTCA coverage during the COVID-19 pandemic for the provision of grant-supported health services by individuals who have been deemed as Public Health Service employees through the Health Center FTCA Program and the Health Center VHP FTCA Program. It applies to grant-supported health services to prevent, prepare, or respond to COVID-19 (including but not limited to screening, triage, testing, diagnosis, and treatment) to individuals who are established or non-established patients of the health center, whether in person at the health center, offsite (including at offsite programs or events carried out by the health center), or via telehealth.

### *FTCA Deeming Application Deadline to be Extended to July 13th*

BPHC is in the process of extending the FTCA application deadline to July 13th. This is not yet reflected in the HRSA FAQs and is a change from the policy previously announced. Health centers are strongly encouraged to complete and submit their applications as soon as possible and those that apply early will receive an expedited review. For more information, see the [HRSA FTCA webpage](#). If you have additional questions, please contact [Health Center Program Support online or call for FTCA assistance at 877-464-4772, 8:00 a.m. to 5:30 p.m. ET, Monday-Friday \(except federal holidays\)](#).

### *FTCA/COVID-19 Office Hours: 4/7/2020 2-3 PM*

NACHC, in collaboration with BPHC's FTCA Division and FTLF, will be holding an Office Hour to answer health center specific FTCA-related questions on Tuesday, April 7<sup>th</sup> from 2 to 3 pm Eastern time. Health centers are asked to pre-submit questions at any time to Katja Laepke, Director of Clinical Trainings & Workforce at [klaepke@nachc.com](mailto:klaepke@nachc.com). Priority topics to be covered are:

- Telehealth and the FTCA: While we understand that telehealth is a mechanism for delivering a required or additional health service, the question of FTCA coverage of a telehealth service to a non-health center patient can be confusing. What are the situations that cause concern among health centers during the current COVID-19 emergency?
- Telehealth and Quality of Care: What tips and techniques help improve the telehealth encounter? What questions and advice can the audience provide?
- Volunteers: What protections are available to volunteers during the COVID-19 emergency?
- Current Issues: With the situation changing rapidly in communities across the United States, what are the latest methods health centers are utilizing to deliver services to their population. What protection is available from the FTCA program?

Click [here](#) to register. The presentation, recording, transcript, and resources will be posted on NACHC's resource page hub for COVID-19 related information at <http://www.nachc.org/coronavirus/>.

### *Other FTCA Resources:*

- [HRSA Health Center Program Coronavirus Disease 2019 \(COVID-19 Frequently Asked Questions\)](#), go to "FTCA Requirements"
- Listen to FTLF's complimentary webinar on "FTCA Coverage and COVID-19." To access the webinar, please create an account in the FTLF system: <https://learning.ftlf.com/ftca-program/content/recorded-webinar-ftca-coverage-covid-19#group-tabs-node-course-default4>.
- Check out ECRI's [COVID-19 Resource Center](#). ECRI provides free Clinical Risk Management Services to health centers on behalf of HRSA. Email [clinical\\_rm\\_program@ecri.org](mailto:clinical_rm_program@ecri.org) for access to the website.

### **NHSC Considerations**

HRSA understands that health center emergency response may affect the NHSC and Nurse Corps participants and approved sites and will be offering flexibility in program requirements so that

participants and sites can focus on the public health emergency. HRSA has established a separate [NHSC/Nurse Corps FAQ webpage](#). Questions covered include:

- I will not be able to meet the clinical service hour requirements of my contract because my site has closed, implemented furloughs/layoffs/reduced hours, or temporarily eliminated clinical service hours and is only permitting administrative work due to the COVID-19 epidemic. What options do I have?
- My employment status has changed due to the COVID-19 outbreak. This might include the following:
  - My site has asked or is requiring me to transition to 100% telework or conduct all clinical work via telehealth; or
  - My service site has assigned/deployed me to an alternative location to accommodate patient triage, isolation, surge or care in response to the COVID-19 outbreak; or
  - I am in a Faculty Loan Repayment program and my institution has transitioned to full distant/virtual learning.

Is this allowable, and will this time count towards NHSC/Nurse Corps clinical service hours?

- I am an NHSC or Nurse Corps program participant at an approved service site. However; one of the following situations applies:
  - I am pregnant and/or have an underlying health condition.
  - I and/or a loved one am/is currently experiencing COVID-19 symptoms or have tested positive and will need to take extended leave to receive/provide appropriate care and or self-quarantine;
  - I am currently unable to return to my approved service site due to travel restrictions and/or mandatory quarantine requirements.

How do I remain in compliance with program requirements during this time?

- I am currently out of compliance with my service obligation. However, I am providing clinical care to patients in response to the COVID-19 outbreak. Am I able to receive service credit for these clinical hours?; or I have defaulted on my service obligation contract and am currently unable to make monthly payments due to COVID-19 related issues (i.e. unemployed due site closure, layoffs, illness), what options do I have?
- Can our clinicians still apply for the NHSC Loan Repayment programs even though we do not know how COVID-19 may affect our site and services provided in the coming months?

NHSC advises, if your NHSC and Nurse Corps service site is directly affected by COVID-19, contact a program analyst via the [Customer Service Portal](#) with questions on how to ensure program participants at your site remain compliant with their service obligation requirements. HRSA is offering a [live Q&A Session](#), 4/2/2020, 2-5 PM.

### **CDC, DOL, and OSHA Guidance for Businesses and Employers**

For the full list of employer and business guidelines from the U.S. Centers for Disease Control (CDC), please click [here](#). The U.S. Department of Labor also has some good resources [here](#), including updated guidance on how the Fair Labor Standards Act intersects with COVID-19 business response. OSHA guidance for employers was recently posted [here](#).

### **New Hampshire**

#### **General NH COVID-19 Business Resources:**

As noted in last week's update, numerous COVID-19 NH business resources can be found [here](#). Information about your insurance coverage, unemployment insurance, loans, etc. are all on this page. Things are changing quickly and we recommend you look here often.

Additionally, the BIA is continuing its efforts to keep employers up to date on all the latest information relating to the COVID-19 pandemic, with a special emphasis on federal and state financial resources for businesses hit hard by the pandemic. Follow this link to [BIA's COVID-19 Information and Resources for Employers](#) page.

**Funding:***Stabilization Payment Request to NH DHHS*

Bi-State's Kristine Stoddard has been in touch with NH CEOs to gather documentation of the need for stabilization payments from DHHS. Thank you for the estimates that many of you submitted by Wednesday April 1st. We will let you know updates as this work develops.

*NH Health Care System Relief Fund – Initial Application Deadline 3/30/2020*

Organizations must make clear in your application the impact of the COVID-19 has had on your finances, how it affects your ability to provide services, and what the impact will be to your patients and your community if you do not receive financial assistance. It seems clear that the priority is keeping the hospitals open, so while you always want to highlight how well you are serving your communities now, you need to make it clear that this situation is unsustainable. Providers can download an application for the COVID-19 Emergency Healthcare System Relief Fund at <https://www.dhhs.nh.gov/documents/covid19-relief-fund-app.docx>. Applications should be submitted by email to [healthcarerelieffund@dhhs.nh.gov](mailto:healthcarerelieffund@dhhs.nh.gov).

*Contracts with DHHS for Uninsured*

Georgia Maheras sent out some updated information about this on 4/2/2020. Please let us know if you have any questions regarding these contracts.

*Anne Marie/Rhonda Seigel RFI*

Thank you all for the information we sent to Anne Marie and Rhonda last week. We do not have an update on this but hope to have one soon.

*NH Foundations*

The Charitable Foundation recently released updated guidance to their awardees (and prospective awardees). They are offering additional flexibilities to grantees. More information can be [found here](#).

*Northeast Delta Dental*

They will be sending some payments to those of you with dental claims in 2019- around 1% of the 2019 claims. You should have received notice by now (and hopefully payment!)

**NH Unemployment Benefits for Individuals Impacted by COVID-19**

Governor Sununu released [Emergency Order #5](#) "Access to State Unemployment Benefits for Individuals Impacted by COVID-19" on March 17<sup>th</sup>. Bi-State has verified with the Governor's Office that this assistance is available to employees of non-profits regardless of whether their employer paid into the Unemployment Fund. For more information, please visit the [NH Employment Security's website on the COVID-19 response](#). This website will be updates to align the NH program with any federal changes.

**Liability**

In addition, the FTCA information provided above, we wanted to share state-specific information in this area:

*Licensure*

NH's OPLC (sneak peek: VT too!) has confirmed that the treating clinician needs to be licensed in the state where the patient is located. For example, if your patient is in Maine, your clinician needs to be licensed in Maine. In good news, most of our surrounding states have created deeming/emergency license processes. Visit [OPLC's site](#) for more information about NH's emergency orders. For information about what VT, NY, and MA are doing, check out [this website](#) and this [handy tool](#). ME's information can be [found here](#).

### *Workers' Comp*

The NH DOI is providing all guidance related to COVID-19 [here](#). For worker's comp specifically, they have indicated that you should review your policy to confirm who is covered and in what circumstances. From DOI: "New Hampshire's Workers' Compensation Insurance statute provides coverage for employees as the term is defined in RSA 281-A. The definition of employee does include some volunteers such as fire fighters. It is the Department's understanding that the definition of the term employee would not be broad enough to cover health care volunteers working with COVID-19. That said, RSA 281-A is a Labor Department statute and, as such, you might wish to contact the Labor Department with questions as to scope. An employer's malpractice insurance is unlikely to provide coverage for an employee's volunteer activities unrelated to his or her work for the employer. That said, it is always wise to read one's coverage to determine scope. If a professional has purchased his or her own malpractice coverage, one would need to, again, read the policy to determine the scope of coverage provided. At this point, the Department does not anticipate issuing any formal statement on the issue of workers' compensation coverage, professional liability coverage, nor record keeping. Any future guidance would also be located at the link provided."

### Vermont:

#### **FUNDING AVAILABLE: DVHA Offers 'Retainer' Funding to Health Care Providers**

On Friday 3/27/2020 DVHA sent all health care providers a [letter](#) outlining a process to get funding from Medicaid. The applications will be accepted from 3/27/2020-4/21/2020. We encourage you all to apply for this funding as soon as possible.

#### ***Lodging Operations Suspended – Exceptions for Health Care Workers***

Vermont's Stay Home Stay Safe order suspended lodging operations except for the following purposes: a. Housing vulnerable populations (emergency shelter for homeless individuals) as arranged through the state; b. Providing accommodations for health care workers, or other workers deemed necessary to support public health, public safety or critical infrastructure; c. Use of lodging properties being as quarantine facilities as arranged by the state; and d. Limited verifiable extenuating circumstances for the care and safety of Vermonters.

### ***Liability:***

#### *Licensure Information*

Like NH, VT's licensing bodies have **confirmed that the treating clinician needs to be licensed in the state where the patient is located**. The enactment of H.742 provides some licensure flexibility (e.g., for retired providers, out-of-state providers, etc.). VMS and VAHHS have prepared a [table](#) to consolidate this complicated information. For information about those licensed through OPR, check out this [page](#).

#### ***Business Interruption Insurance Coverage/Worker's Comp***

We understand that you may be experiencing challenges with your workers' comp policies. DFR is evaluating whether they need to take regulatory action, please reach out to Brenda Clark if you are experiencing any issues (Brenda Clark, Consumer Services Chief, Dept. of Financial Regulation, 802-828-4886, [Brenda.clark@vermont.gov](mailto:Brenda.clark@vermont.gov)). DFR is unable to take regulatory action until they have concrete information from you regarding this situation. It was suggested to us that you can have your insurance broker provide this information to DFR on your behalf to minimize your burden.

#### **Vermont expands unemployment benefits as claims continue to surge (information provided by DRM)**

Vermont expanded eligibility for unemployment insurance (prior to CARES, so there may be some tweaks coming). For more information please visit the DOL [website](#).

### **Guidance from the Department of Labor**

The Vermont Department of Labor has launched an online portal for employees who may be eligible for Unemployment Insurance benefits as a result of COVID-19. This new process means initial unemployment insurance claims can now be filed [online](#). The new temporary unemployment for COVID-19 will not count against your business experience rating for your UI payments. The Vermont Department of Labor also recently created a set of [COVID-19 FAQs for Employers and Employees](#). New updates will be posted on the [Department of Labor website](#). If you have specific questions, you may wish to contact the Vermont Department of Labor Employer Services line at 802 828-4344. Please understand that they are experiencing high call volume.

**Webinars:****SBA Webinar (Twice-Weekly - Monday thru Friday at 9:00am and 2:00pm)**

Due to the volume of requests received, the SBA will not be doing webinars with individual organizations. Instead they are offering twice daily webinars that will cover most recent updates.

Monday – Friday 9:00 AM and 2:00 PM EST

Virtual office hours are on Saturday with same Skype information.

[Join Skype Meeting](#), (202) 765-1264, 522409519#, Conference ID 522409519

**Manatt Webinar (4/2/2020 1:00pm)*****A Guide for Businesses to Obtain Paycheck Protection Loans Under the CARES Act***

Thursday, April 2, 2020 1:00 PM EST

Register [HERE](#) for this webinar.

**McLane Middleton Webinar (4/2/2020 3:00pm)*****The CARES Act Q&A***

Thursday, April 2, 2020 3:00 PM EST

Register [HERE](#)!

To view the webinar from 3/31/2020 click [here](#).

**BIA Webinar (4/3/2020 1:00pm)*****Paid Leave, Tax Credits, and Stimulus Checks, Oh My! What Employers Need to Know About 'Families First' and the CARES Act***

Friday, April 03, 1:00 PM - 2:30 PM EST

[Learn More & Register](#)

If you miss it, a recording of this webinar will be available to [view here](#).

**NH Center for Nonprofits Webinar (4/8/2020 1:15pm)*****From Sustainability to Survivability: Managing Uncertainty Amid Crisis***

Wednesday, April 8, 2020 1:15 PM EST

[Learn more & Register](#)