

Health Rosetta COVID-19 Advisor and Plan Sponsor Support Resources

Getting Started & Issue Checklist	4
Summary of Issues to Address for Health Plans	4
COVID-19 Resources Created By Health Rosetta Advisors	6
Be sure to do additional diligence	6
Project Management Considerations to Handle COVID-19 Policies and Procedures	6
Workforce Planning Milestones and Action Items:	7
Member Communication Resources	8
Creating a communication plan	8
Leveraging Texting Platforms	9
Resources to Use in Educating Members	9
Employee Virtual Wellbeing Resources	10
Human Resource and Compliance Resources	11
Occupational Safety and Health Administration (OSHA)	11
Key DOL OSHA Guidelines, Resources and Directives	12
Families First Coronavirus Response Act (FFCRA)	13
Mandated Free Testing	13
Emergency FMLA	13
Emergency Paid Sick Leave	14
Tax Credits	14
FFCRA DOL Notices, FAQs, and Enforcement Resources	15
Coronavirus Aid, Relief, and Economic Security Act ("CARES Act")	19
Furloughs vs. Layoffs	21
Unemployment Compliance	21
Small Business Disaster Assistance	22
Frequently Updated Legal/Compliance Resources	22
Employer Response Best Practices	22
What to do if an employee has been exposed to the coronavirus	22
Providing Travel Guidance	23
Creating remote work policies	23
Determining if virtual working is a viable option.	24
Employee Survey Questions Examples	24
Developing a Temporary Remote Work Policy	25

Sample Remote Workforce Activation Milestones and Action Items:	25
Other Remote Workforce Considerations	26
Other Potential Workforce and Employer Impacts	27
Remote Workforce Resources and Education	27
Impact of COVID-19 on Healthcare Costs	28
Testing Kits (Costs and securing direct access in special situations)	28
ERISA, Risk Management and Active Plan Management Considerations	30
Plan Design Considerations	31
Considering How To Offer COVID-19 Coverage to Employees	31
Sample Plan Document Amendment	32
Cafeteria Plans (Sec 125)	32
ERISA Wrap Documents	32
Carrier Contract Considerations for Fully-Insured Groups	32
Surprise Billing	32
Stop-Loss Considerations	33
Primary Care Resources	33
Actionable Lessons From the Front-Lines of COVID-19 From Chief Medical Officers Webinar	34
Additional Direct Primary Care Resources	35
Additional References	35

We continue to add and update this COVID-19 resource ongoing. Please take a look, provide feedback, let us know any areas we may have missed or you'd like to see more depth in, and send any additional information or resources you'd like to contribute to covid19@healthrosetta.org.

We've attempted to stick to reliable sources, but there is always a chance we've missed something on one of the many issues implicated by this crisis. We thank you in advance for your contribution and feedback.

Getting Started & Issue Checklist

This resource is to provide a helpful structure to support Plan Sponsors through the COVID-19 pandemic. Health Rosetta has a unique advantage in that we can aggregate best practices and the latest resources to accelerate the learning and impact for Health Rosetta Advisor Plan Sponsor Clients.

Summary of Issues to Address for Health Plans

Primary Topics for consideration

- Determining how and when to furlough or lay off employees
- Reviewing plan documents and vendor contracts
- Determining financial impact to employees, employer, and plan
- Compliance with existing regulations and laws
- Compliance with new regulations and laws
- Setting up a remote workforce
- Member communications issues

Review Plan document language for:

- Pandemic related language
- Grace period rule for inability to or delay in paying Premium
- Mid-Year benefit changes
- Plan Termination requirements
- Employee Termination requirements
- Qualifying Events
- Pre-authorization requirements for care and prescriptions

Review Carrier Contracts and Communications for:

- Special Accommodations
- Whether furloughed employees can remain on the plan

Contact an ERISA attorney to discuss:

- Changes in benefits
- Changes in contribution amounts
- Changes to Retiree Plans
- Changes to 401k plans

Contact the Plan Administrator to discuss:

- Staff reductions that could impact service or payments
- Guidance and protocol for COVID-19 activity
- Employee Suspension (temporary or permanent, as of date and expected return to work date)
- Plan termination if all employees are suspended (some carriers will automatically term the plan which will impact the ability to offer COBRA)
- COBRA guidelines
- Grace period for payments
- Changes to policy due to reduced employee count
- Changes to premium due to reduced employee count
- Communicating eligibility changes
- Plan language changes
- Benefit changes
- Changes to precertification requirements related to COVID-19
- Ability to identify claims activity related to COVID-19
- Engagement of members with high risk health conditions
- Rates/Contracting for tests

Contact the Stop Loss Carrier to discuss:

- Staff reductions that could impact service or payments
- Grace period for payments
- Changes to policy due to reduced employee count
- Changes to premium due to reduced employee count

Contact the PBM to discuss:

- Staff reductions that could impact service or payments
- Grace period for payments
- Changes to policy due to reduced employee count
- Changes to premium due to reduced employee count
- Mid-year benefit changes
- Changes to step therapy and authorizations due to COVID-19
- Changes to refill rules during pandemic

Contact Ancillary Benefit Solutions to discuss:

- Staff reductions that could impact service or payments
- Cancellation or temporary moratorium

Consult internal Human Resources or a HR firm for guidance on:

- Tax implications
- Your role as an Employer
- Your requirements as an Employer
- Your options as an Employer

Consult Supply Chain Partners regarding:

- Changes in staff
- Changes in employee count
- Inability to pay
- Request for delayed payment
- Collecting payment

COVID-19 Resources Created By Health Rosetta Advisors

1. [The ALERA Group](#)
2. [Verus Insurance COVID-19 Toolkit](#)
3. [Olympic Crest Insurance, Inc.](#)
4. [Assured Partners Coronavirus COVID-19 Resources](#)
5. Ray Korson with [Gibson Benefits Playbook](#) and [COVID-19 Resource Center](#)
6. Chris Van Buren with [KMRD Partners](#)

Be sure to do additional diligence

The information provided in this resource is not intended to be, and shall not be construed to be, either the provision of legal advice or an offer to provide legal services. This is not legal advice. Rather, the content is intended as a general overview of the subject matter covered. Those reading this alert are encouraged to seek direct counsel on legal questions.

Project Management Considerations to Handle COVID-19 Policies and Procedures

When creating a project management plan it should be tightly linked and constructed with your communication plan [here](#).

[Help Scout Crisis Communication Tips for Customer Service Teams, March 11, 2020:](#)

1. ***“Who are your policy and approach decision-makers? Determine who is responsible for deciding your company’s official response to the crisis. They will be the people who can review your crisis plan and sign off on it.”***
2. **Define team and lead responsible for updating resources.** COVID-19 changes and emergence is happening rapidly. Your team must designate a point person to consolidate all information into one source of truth. That way all information can go to the right team member and you are streamlining your efforts.
3. ***“Create an internal “source of truth” document. Pick a single location accessible to all the relevant people in the company, such as an intranet or internal knowledge base. It***

should be a page that is easy to update (and perhaps one with a version history built in for reference)." Consider using google drive, one drive, dropbox, or something similar so that you don't need to manage multiple versions of the same document.

4. **Prepare and empower your team.** *"Share this page with all team members and customer-facing employees, and ensure everyone knows that it is the place to look for the most accurate and current information. Consider including a way for people to subscribe by email or message to updates on the page."*
5. **"Create a public information point for customers.** *Your customers will need their own source for reliable, up-to-date information. Your support and/or PR folks can often predict the most common issues in advance, and the work you have done for your internal document can be adapted for customers, too. Put your page somewhere accessible to all of your customers, and ensure it's easily updatable. Here are some examples of public Coronavirus statements in different industries:*
 - a. [QANTAS](#) (Airline)
 - b. [SXSW](#) (Event)
 - c. [Marriott](#) (Hotel)"
6. **Schedule regular status check ins and updates.** Ensure you have a strategy to regularly review, update and communicate your COVID-19 policies and strategies. Remember, that employees will want to hear from leaders. It is beneficial to be as transparent as possible when leaders share information. Though bad news is not comforting, often times it is better for employees to have specific actionable information that they can use to move forward.

Workforce Planning Milestones and Action Items:

Supply Chain Assessment Complete:

- Review budget needs against actual incoming
- Reach out to Suppliers to understand their current situation
- Reach out to Clients to understand their current situation

Market Assessment Complete

- Review State guidelines for essential services/business
- Determine if there is demand for supplies and services company provides
- Determine ability to access supplies and services necessary to continue business
- Determine ability to deliver product to Customers
- Determine if development of product can be supported remotely

Jobs to be Done Assessment Complete

- Identify Essential Jobs to be done (What Jobs must be performed to meet the needs of our Customers? What impact will not performing a Job have on our ability to meet the needs of our Customers?)
- Review all Essential Jobs to determine if temporary virtual work is a viable option

- Identify Essential Jobs that can be supported remotely
- Identify Essential Jobs that can not be supported remotely

Temporary Virtual Work Policy Developed

- Establish a due date for a temporary virtual work policy to be documented
- Determine who will draft the temporary virtual work policy
- Determine who will review the temporary virtual work policy
- Determine who will approve the temporary virtual work policy
- Determine who will communicate the temporary virtual work policy

Personnel Availability Evaluated

- Determine who will contact Employees
- Determine the date that a company assessment will be conducted
- Determine the date that a company assessment will be communicated to employees
- Complete the Employee Survey for all Employees
- Determine personnel availability
- Identify essential job gaps that must be filled (If an option, consider alternative tasks that can be supported temporarily by those who do not perform a job that can be supported remotely)
- Determine if there are resources to fill all essential jobs

Jobs and Employee Assessment Complete

- Determine which jobs can be performed virtually
- Determine which jobs can not be performed virtually
- Identify employees who will work remotely
- Identify employees who will be suspended
- Determine who will approve employee decisions
- Finalize employee decisions

Member Communication Resources

Creating a communication plan

When creating a communication plan it should be tightly linked together with your project management plan [here](#).

Coronavirus is a morale issue almost as much as it's a public health one. Educate employees as appropriate and tamp down any unhelpful panic or misinformation that may be circulating. Regular check-ins with your team can go a long way to making people feel safe. These resources will aid you in bolstering or creating a communication plan for your company.

The Center for Disease Control offers guidance for reducing the spread of COVID-19 [here](#).

What to consider in your member communication strategy:

- Guidance for employees on how to seek help with COVID-19
- How and when you will communicate to the workforce
- How and when employees should communicate with leadership
- Virtual Tools
 - Selecting
 - Training
 - Engagement

When developing a communication plan consider the following:

- **Content.** The actual message being delivered
- **Tools and Format.** The way the message is delivered. Ensure that all of the key recipients of a message have access to the tool and format you are using.
- **Communicator.** Who is actually delivering the message?
- **Time/Date.** When the message is delivered?
- **Audience.** Who receives the message?
- **Accountability.** How to confirm the message was received and other success metrics?

Leveraging Texting Platforms

With the speed of the COVID-19 landscape the need for up-to-date employee communication is at an all time high. Consider sending messages to employees' phones so that your message is heard. Here's some texting platforms to consider. Make sure to research the best texting service that will work for your particular needs and requirements.

Be sure to determine whether your selected platform complies with HIPAA and other relevant regulations.

- [Keap, formerly called Infusionsoft](#)
- [Salesforce](#)
- [Textedly](#)

Resources to Use in Educating Members

- [7-minute video overview about the Coronavirus](#) from the Healthcare Cube
- [4 Coronavirus Quizzes](#) and COVID-19 Health Literacy tools from Quizify
- See [FFCRA Poster](#) to Print for Workers

Employee Virtual Wellbeing Resources

First, managers and organizational leaders play a large role in ensuring employee emotional health and wellbeing. Good managers are proactively checking in with their employees during this time to ensure connection, productivity and helping to remove roadblocks that the employee may be dealing with including anxiety. It's important that the leadership team and managers understand all the benefits and plan solutions that can be recommended if an employee needs help during this crisis.

EAP programs, carriers, plan administrators, wellness vendors, and others may have programs available specifically to support wellbeing initiatives. Additionally, the following are consumer-facing options that may be part of employer response plan, many of which are offering free or other special programs.

Fitness

- [Peloton](#) – free for 90 days and includes all kinds of workouts, not just the bike
- [305](#) – free daily classes & meditations
- [Daily Burn](#) – 60 day free trial
- [Core Power Yoga](#) – morning meditations and afternoon flows
- [Orangetheory Fitness](#) – 30 minute HIIT workouts
- [Nike Training Club](#) – free workouts by Nike trainers
- <https://yalafitness.com/> Free workouts during Covid-19 from Top Fitness Instructor in DC

Mental Health

- [Headspace](#) – an app for meditation
- [Talkspace](#) – a text message-based therapy platform
- [BetterHelp](#) – online counseling
- [Calm](#) – online self help
- [Insight Timer](#) – free guided meditation app
- [Valera Health](#) - Mental Health solution for employers
- [Lift](#) - Offering one year free to users.

Human Resource and Compliance Resources

Occupational Safety and Health Administration (OSHA)

[An Employer's Guide to Navigating the Coronavirus](#), March 9, 2020 Gusto Editors:

"There is no specific OSHA standard covering COVID-19, but some OSHA requirements may apply (below) when it comes to preventing exposure to the coronavirus in your workplace. For example:

- *The General Duty Clause requires employers to provide a workplace "free from recognized hazards that are causing or are likely to cause death or serious physical harm."*
- *OSHA's Personal Protective Equipment (PPE) standards require the use of gloves, eye and face protection, and respiratory protection—[which comes with a lot of its own requirements](#).*

"The closest analogy is probably a [widespread flu outbreak](#), which OSHA has established guidance on in the past. Coronavirus is somewhat different and still less understood, but [their recommendations](#) can be useful to keep your workplace "safe" in the eyes of the law:

- *Promote personal hygiene. For example, provide tissues, no-touch trash cans, hand soap, hand sanitizer, disinfectants, and disposable wipes for employees to clean their work surfaces.*
- *Educate on prevention. Provide employees with up-to-date info on coronavirus risk factors and protective behaviors, like cough etiquette and symptom assessment.*
- *Minimize exposure. Consider ways to minimize physical contact between employees and with clients or customers, such as email, web conferencing, and telecommuting. Schedule work tasks in ways that decrease the likelihood of exposure. Reschedule,*

postpone, or consider making all-hands meetings and events virtual. Encourage ill employees to stay at home without fear of any reprisals.

- *Issue travel guidance. Pause non-essential travel to places with [high illness transmission rates](#).”*

Key DOL OSHA Guidelines, Resources and Directives

[United States Department of Labor website:](#)

- See [Instructions for Compliance Officers](#) regarding OSHA Existing Standards and new directives regarding COVID-19 emergence.
- [Here](#) are the current OSHA State Plans approved by individual states or territories. See if/how your state is participating.
- [Enforcement Directives](#)
 - Temporary guidance on respirator annual fit-testing requirements in healthcare - [Memorandum for Health Care Providers](#)
- [Workers' Rights and Employers' Responsibilities](#)
 - [Recommended Practices for Anti-Retaliation Programs](#)
 - “Section 11(c) of the [Occupational Safety and Health Act of 1970](#), 29 USC 660(c), prohibits employers from retaliating against workers for raising concerns about safety and health conditions. Additionally, OSHA's Whistleblower Protection Program enforces the provisions of more than 20 industry specific federal laws protecting employees from retaliation for raising or reporting concerns about hazards or violations of various airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, securities, and tax laws. OSHA encourages workers who suffer such retaliation to [submit a complaint to OSHA](#) as soon as possible in order to file their complaint within the legal time limits, some of which may be as short as 30 days from the date they learned of or experienced retaliation. An employee can file a complaint with OSHA by visiting or calling his or her local OSHA office; sending a written complaint via fax, mail, or email to the closest OSHA office; or filing a complaint online. No particular form is required and complaints may be submitted in any language”
- Keep a record of any team members who contract the coronavirus.
 - “OSHA requires that employers record certain work-related injuries or illnesses. [COVID-19 is a recordable illness](#) when an employee contracts it on the job, so OSHA may request your records in future. To stay compliant, make sure you fulfill [OSHA's record-keeping forms and requirements](#). However, it might be difficult to determine exactly where or when a worker contracted the

virus—whether they picked it up at work or elsewhere. (This is important because you’re NOT required to record the case if the transmission happened outside of the workplace.) Notify your local health department if a team member is infected.”

- [Maintain HIPAA Privacy Laws - HR Daily Advisor, Amid Coronavirus Concerns, Don’t Forget HIPAA Privacy March 4, 2020:](#)
 - *“The protections of the Privacy Rule are not set aside during an emergency,” but the rule still allows protected health information (PHI) to be used and disclosed “when necessary to treat a patient, to protect the nation’s public health, and for other critical purposes,” HHS’s Office for Civil Rights (OCR) explained.”*

Families First Coronavirus Response Act (FFCRA)

Marathas Barrow Weatherhead Lent LLP Client Alert March 19, 2020:

“On March 18, Congress passed, and President Trump signed into law, [the Families First Coronavirus Response Act \(FFCRA\)](#). The FFCRA is a bipartisan effort to help employers and individuals alike in managing pay, benefits, and business considerations during the COVID19 pandemic. The focus of this alert is the impact of FFCRA on employer-sponsored benefits and paid leave. The paid leave provisions of the Act apply to employers with less than 500 employees. They are effective within 15 days from date of enactment and expire at the end of 2020, unless extended.

Mandated Free Testing

“FFCRA mandates free COVID-19 testing from all group health plans, including fully insured and self-funded plans, as well as grandfathered plans. All group health plans must waive cost-sharing, prior authorization requirements, and other medical management as it relates to COVID-19 testing. This includes provider office visits, urgent care, emergency room, and other healthcare visits that are for the purpose of evaluating or administering Testing.

Emergency FMLA

The FFCRA provides for up to 12 weeks of job-protected leave under the Family and Medical Leave Act (“FMLA”) for a “qualifying need related to a public health emergency.” These provisions generally apply to private-sector employers with under 500 employees and all government employers. (There are exceptions for employers with less than 50 employees if the required leave would jeopardize the viability of their business.) This new law expands the leave for employees who have been employed at least 30 days, overriding, for these purposes, FMLA’s general requirement that employees must be employed for at least 12 months to be covered. For these purposes, a “qualifying need”

exists if an employee is unable to work or telework because he/she/they need to care for a child who is under 18 years if their school or place of care has been closed, or the child care provider is unavailable, due to a public health emergency, such as COVID-19.

“This Emergency FMLA rule also requires employers to pay employees after 10 days. Employees on leave are to be paid at two-thirds of their regular rate of pay, based on normally scheduled hours, up to \$200 per day and to a maximum of \$10,000.

Emergency Paid Sick Leave

“FFCRA requires employers with less than 500 employees to provide paid sick leave to any employee who is unable to work or telework because the employee:

- 1. Is subject to a federal, state, or local quarantine or isolation order related to COVID-19;*
- 2. Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;*
- 3. Has COVID-19 symptoms and is seeking medical diagnosis;*
- 4. Is caring for an individual who is subject to a quarantine or isolation order;*
- 5. Is caring for a child if the school or day care center has been closed, or the child care provider is unavailable, due to COVID-19 precautions; or*
- 6. Is experiencing any other substantially similar condition specified by the regulatory agencies.*

Overall, employees are entitled to at least 80 hours of paid sick leave (prorated for parttime employees). An employee is immediately eligible on date of hire. An employer cannot require an employee who is eligible for paid sick leave to find a replacement or be involved in finding a replacement for their scheduled work shift. Paid leave is limited to \$511 per day (\$5,110 total) for an employee’s own illness or quarantine (paid at the employee’s regular rate), and \$200 per day (\$2,000 total) for leave to care for others (paid at two-thirds of the employee’s regular rate). Failure to pay the required sick leave is treated as a failure to pay minimum wages in violation of the Fair Labor Standards Act.

Tax Credits

“FFCRA offers some relief to employers who are now required to provide paid leave. Employers may qualify for a tax credit for employees whose salary is less than \$25 per hour and work full time. The credit is available for up to \$200 per day for Emergency FMLA and up to \$511 per day for Emergency Paid Sick Leave payments. The credit is calculated on an individual employee basis for a total of 10 days paid leave. Employers should maintain records on employees who qualify for leave, which includes the reason for the leave, and the days taken in order to substantiate qualifications for the credit.

There is also another tax credit for employers who continue to provide health coverage to employees who take Emergency FMLA or Emergency Paid Sick Leave. Employers may receive a credit for the amount paid toward maintaining the health plan, for the amounts excluded from an employee’s gross income as it related to federal income tax. This is in

addition to wages paid for qualifying leave. This credit is to be requested on quarterly tax returns and applies to FICA taxes for both the employer and employee. It will be included in an employer's gross income.

How to Apply for Tax Credits

The IRS has released DRAFT instructions on how to access and administer payroll tax credits. The draft document is available [here](#). Employers should regularly check back [at this link](#) for the final instructions.

FFCRA DOL Notices, FAQs, and Enforcement Resources

From Gusto Editors:

New Guidance from the DOL on Administering FFCRA Leaves

"We strongly suggest that employers read through the entire [Questions and Answers document](#) prior to April 1st, 2020, so they have an understanding of how the leaves work. The following are some highlights from the updated guidance:

- *"These leaves are not available to employees with reduced hours, furloughed employees, or employees whose workplaces are closed. See questions 23-28.*
- *"These leaves are not available to employees whose workplaces are closed due to a federal, state, or local shelter-in-place or stay-at-home orders, or due to business slowdowns. See question 23.*
- *"These leaves (and payroll tax credit) are not retroactive. Employees are not entitled to pay under these leaves if they were absent or out of work (for any reasons) prior to April 1. See question 13.*
- *"Both emergency paid sick leave (EPSL) and emergency Family and Medical Leave (EFMLA) can be taken on an intermittent basis in certain situations. See Questions 20-22 for explanations about when intermittent leave is allowed.*
- *"Employees may not be required to use other forms of paid leave prior to or concurrently with EPSL or EFMLA. See questions 32 and 33.*
- *"Employers should keep documentation to show that employees who received leave were actually in need of leave. The documentation requirements will be outlined in soon-to-be-released IRS guidance. See Questions 15 and 16."*

"For certain circumstances related to COVID-19, employees will be eligible for

- *Up to two weeks of sick leave (full pay for self, 2/3 pay for family care) for illness, quarantine, or school closures*
- *Up to 12 weeks of Family and Medical Leave Act (FMLA) leave for school closures (10 days unpaid and then up to 10 weeks at 2/3 pay)*

Effective Date of Law

The FMLA and Paid Sick Leave sections discussed below went into effect on April 1, 2020 and expire December 31, 2020. Leave benefits and payroll credits will not be retroactive.

Key Elements for Employers

- *Payroll Tax Credit*
- *FMLA expansion*
- *Paid sick leave*
- *Documentation*

Payroll Tax Credit

- *Applies to both the emergency FMLA expansion and the emergency sick leave.*
- *Dollar for dollar credit for sick leave and paid FMLA wages against the employer portion of Social Security taxes.*
- *Refund is possible for amounts that exceed what is available as a credit.*
- *Limits on what can be claimed mirror the caps for what must be paid.*

Emergency FMLA Expansion

Covered Employers

Employers with fewer than 500 employees are covered.

Covered Employees

Any employee who has been employed for at least 30 calendar days, though employers may be able to exclude employees who are health care providers or emergency responders. See our COVID-19 FAQ on the HR Support Center for details on how the FFCRA defines health care providers and emergency responders.

Covered Leave Purpose: To care for a child under 18 of an employee if the child's school or place of care has been closed, or the childcare provider is unavailable, due to a public health emergency, defined as an emergency with respect to the coronavirus declared by a federal, state, or local authority.

Duration:

- *Up to 12 weeks of job-protected leave.*

Compensation:

- *No pay for first 10 days of leave (other paid time off, and emergency sick leave under the FFCRA, may be applied).*
- *After 10 days, employers must pay two thirds of the employee's regular rate of pay for the number of hours they would normally be scheduled to work, capped at \$200/day and \$10,000 total.*

Reinstatement to Position after Leave:

The same reinstatement provisions apply as under traditional FMLA. However, restoration to position does not apply to employers with fewer than 25 employees if certain conditions are met:

- *The job no longer exists because of changes affecting employment caused by an economic downturn or other operating conditions that affect employment caused by a public health emergency;*
- *The employer makes reasonable efforts to return the employee to an equivalent position; and*
- *The employer makes efforts to contact a displaced employee if anything comes up within a year of when they would have returned to work.*

Emergency Paid Sick Leave

Covered Employers

Employers with fewer than 500 employees.

Covered Employees

All employees (no matter how long they have been employed), though employers may be able to exclude employees who are health care providers or emergency responders. See our COVID-19 FAQ on the HR Support Center for details on how the FFCRA defines health care providers and emergency responders.

Covered Leave Purposes:

1. *When quarantined or isolated subject to federal, state, or local quarantine/isolation order;*
2. *When advised by a health care provider to self-quarantine (due to concerns related to COVID-19);*
3. *When experiencing symptoms of COVID-19 and seeking a medical diagnosis;*
4. *When caring for an individual doing #1 or #2 (2/3 pay);*
5. *When caring for a child whose school or place of care is closed due to COVID-19 (2/3 pay); or*
6. *When the employee is experiencing any other substantially similar condition (2/3 pay).*

Duration of Leave:

- *Full time employees are entitled to 80 hours of paid sick leave.*
- *Part time employees are entitled to sick leave equal to the number of hours worked on average over a typical two-week period.*

Rate of Pay:

- *Sick leave must be paid at the employee's regular rate of pay for leave used for the employee's own illness, quarantine, or care.*
- *Sick leave must be paid at two-thirds of the employee's regular rate if taken to care for a family member or to care for a child whose school has closed, or if the employee's childcare provider is unavailable due to the coronavirus.*
- *Pay is capped at \$511/day and \$5,110 total for reasons 1, 2, and 3 described above.*
- *Pay is capped at \$200/day and \$2,000 total for reasons 4, 5, and 6 described above.*

Small Business Exemption

Employers with fewer than 50 employees may be eligible for an exemption from the childcare leave provisions if at least one of the three statements below are true:

- *Providing leave would result in the small business's expenses and financial obligations exceeding available business revenues and cause it to cease operating at a minimal capacity;*
- *The absence of the employee or employees requesting leave would entail a substantial risk to the financial health or operational capabilities of the small business because of their specialized skills, knowledge of the business, or responsibilities; or*
- *There are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, and these labor or services are needed for the small business to operate at a minimal capacity."*

Resources, Directives and Guidelines taken from the Department of Labor website:

"The Department will not bring enforcement actions against any public or private employer for violations of the Act occurring within 30 days of the enactment of the FFCRA, i.e. March 18 through April 17, 2020, provided that the employer has made reasonable, good faith efforts to comply with the Act."

- See [The Families First Coronavirus Response Act: Summary of Key Provisions](#)
- See [Families First Coronavirus Response Act FAQ](#)
- See [COVID-19 and the Family and Medical Leave Act FAQ](#)
- See [Families First Coronavirus Response Act: Employee Paid Leave Rights](#)
 - [PDF \(English\)](#)
 - [PDF \(Spanish\)](#)
- See [Families First Coronavirus Response Act: Employer Paid Leave Requirements](#)
 - [PDF \(English\)](#)
 - [PDF \(Spanish\)](#)
- See Employee Posters for Non-Federal Employers
 - (English) [Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)
 - (Spanish) [Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)
- See Employee Posters for Federal Employers
 - (English) [Federal Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)
 - (Spanish) [Federal Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)

Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”)

[Summary of Bill Language and Key Takeaways by Foley & Lardner LLP, March 27, 2020:](#)

“The CARES Act: Top 10 Takeaways

1. *“Provides stimulus to individuals, businesses, and hospitals in response to the economic distress caused by the coronavirus (COVID-19) pandemic.*
2. *“Creates a \$349 billion loan program for small businesses, including 501(c)(3) non-profits and physician practices. These loans can be forgiven through a process that incentivizes companies to retain employees.*
3. *“Allocates \$500 billion for assistance to businesses, states, and municipalities, with no more than \$46 billion to support passenger air carriers, air cargo carriers, and businesses important to maintaining national security. The remaining \$454 billion may be used to support lending to eligible businesses, states, and municipalities.*
4. *“Allocates \$130 billion in relief to the medical and hospital industries, including for medical supplies and drug and device shortages.*
5. *“Expands telehealth services in Medicare, including services unrelated to COVID-19 treatments.*
6. *“Provides \$1,200 to Americans making \$75,000 or less (\$150,000 in the case of joint returns and \$112,500 for head of household) and \$500 for each child, to be paid “as rapidly as possible.”*

7. *“Expands eligibility for unemployment insurance and provides people with an additional \$600 per week on top of the unemployment amount determined by each state.*
8. *“Expands the Defense Production Act, allowing for a period of two years when the government may correct any shortfall in resources without regard to the current expenditure limit of \$50 million.*
9. *“Provides the Secretary of the Treasury with the authority to make loans or loan guarantees to states, municipalities, and eligible businesses and loosens a variety of regulations prior legislation imposed through the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Economic Stabilization Act of 2008, and others.*
10. *“Accompanied by supplemental appropriations to help the government respond to this pandemic.”*

From Gusto Editors:

Providing Alternatives to Closure and Layoffs

“The CARES Act gives employers the following options and benefits, which may allow them stay open and keep more people employed:

- *“Small businesses may be eligible for emergency grants of up to \$10,000 to cover immediate operating costs.*
- *“The Small Business Administration (SBA) may provide loans of up to \$10 million per business; any portion of that spent to pay employees, keep workers on payroll, or pay for rent, mortgages, or existing debt could be forgiven, provided workers remain employed through the end of June.*
- *“Small businesses with existing SBA loans may have up to six months of payments waived.*
- *“Businesses who have experienced a decline in gross receipts of 50% as compared to the same quarter of 2019 or who have been fully or partially shutdown by order may be eligible to receive a refundable tax credit for 50% of qualified employee wages up to \$10,000 per employee. This is unrelated to the dollar-for-dollar payroll tax credit that can be taken for FFCRA leaves.*
- *“Businesses may defer payment of employer payroll taxes imposed between the enactment of this law and December 31, 2020 with half of the deferred taxes due by December 31, 2021 and the rest due by December 31, 2022. This is unrelated to the dollar-for-dollar payroll tax credit that can be taken for FFCRA leaves.*

“We are unable to advise on these topics as they are outside the scope of our expertise. We encourage you to follow the [IRS Coronavirus Tax Relief page](#) and the [SBA Coronavirus Loan Resources page](#), as well as consult with your tax professional or financial advisor. Detailed guidance on how to access these financial resources should be coming soon from those sources.”

[From Stride:](#)

“The Payroll Protection Program (PPP) which provides 2.5x the average monthly payroll costs as a loan (with forgivable attributes) from the SBA as stipulated in the recently passed CARES Act. The good news is that this looks like a great program.” The bad news is that the guidance has yet to be issued.

See a simple chart for SBA Loan Options Pursuant to the CARES Act: [Paycheck Protection Program \(PPP\) and Economic Injury Disaster Loan \(EIDL\)](#)

[From Greenberg Traurig, LLP March 28th: Overview of the Relief Available to Small Business Concerns](#)

- *“The following chart summarizes three different types of SBA loan programs – the traditional SBA Section 7(a) loan program (generally up to \$5 million), the Economic Injury Disaster Loan under SBA Section 7(b) for up to \$2 million for those businesses impacted by COVID-19 and the Paycheck Protection Program, loan issued pursuant to the traditional SBA Section 7(a) loan but increased to \$10 million for businesses impacted by COVID-19. The Paycheck Protection Program also relaxes other requirements associated with traditional SBA Section 7(a) loans.”*

Furloughs vs. Layoffs

THIS SECTION DEFINITELY NEEDS MORE DETAIL. EMAIL OUR TEAM IF THIS IS A TOP PRIORITY.

- [How to Decide Whether to Furlough or Lay Off Employees](#)

Unemployment Compliance

THIS SECTION DEFINITELY NEEDS MORE DETAIL. EMAIL OUR TEAM IF THIS IS A TOP PRIORITY.

- [WARN laws requiring you to provide advance notice](#)
- **From Gusto Editors:**
 - The CARES Act expands unemployment benefits by 13 weeks and adds \$600 to the weekly amount an individual would usually receive. While these unemployment benefits are generous, employers should still consider their options and incentives under the CARES Act mentioned [in this section](#) before making decisions about reduced hours, furloughs, or layoffs.
 - Employees who experience reduced hours, furloughs, or layoffs should be encouraged to file for unemployment insurance as soon as possible. We recommend that both employers and employees visit their state's unemployment insurance department website and track local and state news, as departments

across the country are updating their rules to facilitate displaced workers during this time.

Small Business Disaster Assistance

- Apply for a loan [here](#). See if you qualify [here](#).
- See a simple chart for SBA Loan Options Pursuant to the CARES Act:
 - [Paycheck Protection Program \(PPP\) and Economic Injury Disaster Loan \(EIDL\)](#)
- [From Greenberg Traurig, LLP March 28th: Overview of the Relief Available to Small Business Concerns](#)
 - *“The following chart summarizes three different types of SBA loan programs – the traditional SBA Section 7(a) loan program (generally up to \$5 million), the Economic Injury Disaster Loan under SBA Section 7(b) for up to \$2 million for those businesses impacted by COVID-19 and the Paycheck Protection Program, loan issued pursuant to the traditional SBA Section 7(a) loan but increased to \$10 million for businesses impacted by COVID-19. The Paycheck Protection Program also relaxes other requirements associated with traditional SBA Section 7(a) loans.”*

Frequently Updated Legal/Compliance Resources

- [50 State Health Department COVID-19 Resources](#)
 - **Policy and Medicine, ARockPointe Publication:**
 - *“Because of the fast movement of the coronavirus COVID-19 in the United States, Policy Med has [compiled a list of 51 state health department websites](#) and state specific resources specific for COVID-19. These include links to the state health department websites, state specific coronavirus sites, and links to information for healthcare professionals including testing information. In states where currently available, we provided COVID-19 hotlines to call.”*
- [Steptoe Coronavirus \(COVID-19\) Resource Center](#)
- [MINTZ Employment, Labor & Benefits Legal Updates](#)
- [Coronavirus Legal Daily](#)
- [Insurance Regulatory Updates by State](#)

Employer Response Best Practices

What to do if an employee has been exposed to the coronavirus

[An Employer's Guide to Navigating the Coronavirus](#), March 9, 2020 Gusto Editors:

“It’s important to come up with a plan for when people are exposed to the coronavirus. Here’s a recommendation, but consult your team and legal council to create a plan that’s right for you.

- *Step 1: Send them home immediately. Employees diagnosed with the coronavirus or exhibiting known symptoms, such as respiratory illness, fever, cough, or shortness of breath, should be sent home and encouraged to self-isolate.*
- *Step 2: Separate exposed workers. Before they leave, ask the infected employee for names of anyone who worked in close physical proximity to them, and ask those team members to work remotely as well.*
- *Step 3: Notify the people you work with—sensitively. Inform your team of their possible exposure to the coronavirus, but avoid sharing any private information. Tell the rest of your employees to check for [coronavirus symptoms](#) and to contact their healthcare provider in case they want to get assessed for potential exposure. Also notify any potentially exposed vendors, customers, or clients—again, while maintaining confidentiality.*
- *Step 4: Record the diagnosis per [OSHA’s instructions](#).*
- *Step 5: Keep inquiries to a minimum. Limit the amount of personal information you ask from employees. You can encourage—but not require—they to contact the local health department. You also can’t ask them to get tested or to measure their body temperature.*
- *BONUS: Make a payment plan for hourly workers. Depending on your existing policies and applicable local laws, you need to figure out how and when to pay nonexempt employees who are sent home. If your policy is not to pay in this situation, employees may resist going home or try to hide symptoms. This is not the behavior you want to encourage.”*

Providing Travel Guidance

[An Employer’s Guide to Navigating the Coronavirus](#), March 9, 2020 Gusto Editors:

“Check the [CDC’s Traveler’s Health Notices](#) for the latest list of locations with a risk of coronavirus exposure, and ask employees traveling from affected areas to stay at home for 14 days. If employees do travel, advise them to monitor for symptoms of respiratory illness and to notify you if they get sick. Put a hold on any non-essential work-related trips.”

Creating remote work policies

If you don't have a remote work policy, [here's strategies from Harvard Business Review for creating an emergency remote work policy](#).

Other considerations can be found in [An Employer's Guide to Navigating the Coronavirus](#), March 9, 2020 Gusto Editors:

1. *"First, map out who on your team can or can't work remotely. Can you provide the tools necessary for tasks to be completed remotely or shift their workload to non-location-based tasks?"*
2. *"Next, audit your hardware and software to ensure employees have access to what they need to do their jobs. Also consider having someone ready to help with IT issues."*
3. *"Finally, think about how you'll communicate, hold meetings, and monitor performance, and make a plan to share with your team. This can help you stay on the same page even if you're not working side by side."*

Determining if virtual working is a viable option.

1. Are work activities portable and can be performed effectively outside the office?
2. Are tasks easily quantifiable or primarily project oriented?
3. Will an Employee's participation in a temporary virtual work arrangement adversely affect the performance of other Employees?
4. Is technology and equipment necessary to perform the job remotely available?
5. Is safety and security of Company assets assured and not cost prohibitive?
6. Are there contractual arrangements or Client concerns or objections that would preclude virtual working?

Employee Survey Questions Examples

- How are you impacted by the COVID-19? Select all that apply:
 - ✓ Sick - self
 - ✓ Sick - other
 - ✓ School closures for children unable to care for self
 - ✓ School closures for children able to care for self
 - ✓ Inability to access essential products
 - ✓ Depression or Anxiety
- Would you be able to work your standard work day?
- Would you need to adjust the number of hours you work each day to accommodate personal needs?
- Would you need to adjust your work schedule to accommodate personal needs?
- Do you have access to tools and resources to perform your role remotely?
- Do you have a secure environment to perform your role remotely?

- Are there any responsibilities that you believe could not be supported remotely?
- If your virtual work is determined to be unsuitable for your position, are you available to perform other duties temporarily?

Developing a Temporary Remote Work Policy

A temporary policy gives employees and managers time to raise questions before implementing a virtual work arrangement. Key points to address in the policy are:

- Developing a review process for determining if virtual work is a viable option. Not all positions are suitable.
- The Employer's right to modify or discontinue the arrangement at the employer's discretion
- Output and productivity expectations
- Work schedule expectations
- An employee's obligation to keep the employer apprised of disruptions to the virtual work arrangement, including for illness or family/personal obligations
- Protocol for participating in pre-scheduled or future meetings/events
- Legal compliance issues such as time reporting and approval for non-exempt employees
- Confidentiality and security requirements and expectations to protect the employer property and business interests of the employer and clients
- Employer (and client, if applicable) policies and rules remain in effect unless employees are notified otherwise
- Expectations for maintaining a safe remote workspace
- Information security considerations
- Key differences between the temporary policy and ongoing virtual work arrangements utilized by the employer, if any

Sample Remote Workforce Activation Milestones and Action Items:

Virtual work Decisions Communicated

- Determine who will communicate with employees
- Communicate decision to each employee
- Provide the Temporary Virtual Work Policy to employees working remotely
- Provide unemployment, health benefits, pay detail and timeline to suspended employees

Virtual Office Set-up Complete

- Determine if there is a need for employees to collect tools and resources from the office
- Determine who will grant access to the office for tools and resources
- Grant access to online resources
- Collect phone numbers for all employees
- Publish phone numbers to employees as appropriate
- Identify Supervisory oversight if there is a change

- Identify roles and responsibilities if there is a change
- Identify training needs
- Assign training responsibilities and identify timeline requirements
- Train employees on temporary assignments
- Establish email accounts if necessary
- Select tools for virtual collaboration
- Communicate tool information, including how to access and training schedule
- Communicate due date for setting up tool and completing training
- Confirm all employees have set up tool and taken mandatory training
- Provide guidance for how the tool will be used to create a virtual workspace for the team

Other Remote Workforce Considerations

Stay Connected:

- Select a tool for voice and video interaction
- Consider a tool for direct messaging
- Discourage email for internal communications
- Encourage direct messaging or phone calls for internal communications
- Establish and communicate employee engagement expectations
- Establish and communicate leadership engagement expectations
- Set up virtual meetings with individual employees and the entire team
- Leadership should check in daily with each employee
- Assign temporary leadership for engagement if necessary
- Encourage your team to use technology the same way they would pass an idea over a wall

Monitor Performance:

- Communicate changes to production expectations
- Determine how employees will communicate work hours (exempt and non-exempt)
- Determine how work assignments will be determined and communicated
- Determine how production will be calculated
- Determine how completed activities will be reported
- Set expectations with employees about production, ability to perform and adjusting due dates due to work environment

Encourage Employees to:

- Communicate changes in health or personal responsibilities
- Access Primary care for non-emergency care, including COVID-19 testing, treatment and after care
- Select a Primary Care Physician if none exists
- Create personal and professional boundaries
- Get outside during the day when weather permits
- Engage with team members to reduce feelings of isolation

- Maintain a normal way of life as much as possible

Other Potential Workforce and Employer Impacts

Impacts to Employers

- Loss of production due to shelter in place
- Complete closure due to shelter in place
- Inability to get materials for product creation
- Inability to perform virtually
- Inability to get product to Buyers
- Loss or lack of demand
- Employee communications
- Customer communications
- A need to suspend employees (Lay-offs vs Furloughs)
- Rebounding after shelter in place is removed

Impacts to Employees

- Sick - self
- Sick - other
- School closures
- Child care
- Homeschooling / Learning delays / online learning
- Access to essentials
- Reduction in hours
- Loss of employment (temp or perm)
- Fear of the unknown
- Change in routine
- Change in work environment
- Isolation
- Depression
- Increase in criminal activities
- Boredom
- Poor health choices

Remote Workforce Resources and Education

- [Pluralsight](#) - Has some great free articles and online courses on working from home and managing remote teams.
- [A Remote Work eBook from Zapier.](#)

Impact of COVID-19 on Healthcare Costs

**THIS SECTION DEFINITELY NEEDS MORE DETAIL AND HAS A LOT OF UNKNOWNNS.
EMAIL OUR TEAM IF THIS IS A TOP PRIORITY WITH WHAT YOU WOULD LIKE TO SEE.**

- Financial impact on the plan may vary depending on the group, infection rates, types of care members receive, changes in service types received and number of COVID-19 tests, cases, etc.
- Creating financial impact analyses is a complex, multivariate analysis. A few Issues to account for are the following:
 - Direct COVID-19 costs, such as testing, treatment, etc.
 - Indirect cost impacts, such as reduced office visits, elective procedures, etc.
 - Changes in workforce size and plan participations

[From Phia Group, Waiving Copays and Deductibles for Testing Isn't Enough – The Impact of COVID-19 on the Patient's Pocket:](#)

According to a brief prepared by the Kaiser Family Foundation (KFF), even those patients with health insurance could face significant financial pressure following the treatment of COVID-19. For purposes of the study, KFF did a deep dive on the potential costs of treatment for COVID-19 by researching data on the treatment of pneumonia, and the out-of-pocket costs that individuals with health coverage may expect.

For those patients with serious cases, extended inpatient hospitalization will likely be necessary. According to KFF's analysis, the average cost of care (split between the health plan and the patient) for cases with major complications or comorbidities was \$20,292. A patient with no complications can expect to pay around \$1,300 (in cost-sharing alone) for treatment.

Here are several resources about the impact COVID-19 will have on overall Healthcare costs:

- [American Academy of Actuaries COVID-19 FAQ](#)
- [Covered California: National Impact Perspective](#)
- Dr. Bicker from AHealthcareZ on elective hospital procedure claims going down. ([See video](#))
- [Fair Health - Projected Economic Impact of COVID-19](#)

Testing Kits (Costs and securing direct access in special situations)

COVID-19: Find a Coronavirus Test Site

There is a wide range in cost, from \$10 for a test kit up to \$3,200 for the kit and results. This is only one piece of the puzzle as well.

Many organizations will have direct agreements with lab providers, such as Quest and Labcorp

- RBP vendors
- Direct lab solutions
- Some Health Rosetta advisors have secured direct access, such as Carl Schuessler. See his offer below.
 - Through our FairCo\$t Health Plan partners we have secured Quest and Labcorp for COVID-19. Our allowable has been reduced further to \$50.81
 - Quest Test code 39433 - SARS CoV2, RNA, RT PCR
 - HCPCS Billing Code U0002
 - 72 hour stability
 - Specimen : NP or throat swab submitted in viral transport media (VCM product S05)
 - The test will NOT be collected in Lab Patient Services Centers.

COVID-19 Supplies

[Concentric Health Alliance](#) has organized to help provide access to supplies at fair and transparent cost. Contact Daniel Corliss at daniel@concentrichealthalliance.com if you are interested in learning more.

Here is their update on approx pricing for supplies right now.

- Loop medical and surgical masks \$.40-\$.52/ea in packs of 50.
- KN95 are \$1.5-\$2.20/ea
- 3M 1860 and 8210 are \$5.40-\$6.10/ea plus shipping. 10,000 minimum order, manuf. needs 7 days lead time to produce as they are behind.
- N95 are \$1.80-2.50 /ea, come in packs of 20.
- Hand Sanitizer 500 ml for \$1.60-\$1.95/ea.
- Gowns – various types including full isolation suits are between \$15-\$17/ea
- Infrared thermometers - \$32-\$40/ea
- Ventilators \$14,000 and up, depending on model.
- Rapid CV19 Swab Test Kits - \$25-\$30/ea (FDA EUA certified to import, results in less than 20 minutes)
- Rapid Antibody Blood Assay - \$8 - \$10/ea and many to choose from.

Shipping and Order Information:

- FedEx or DHL Express is taking 5-7 days currently and rates are changing daily there too, if the order is less than 1000 kg, we can ship this way. Otherwise, we will need to import under our FDA license and drop ship to you. Transportation is 5-7 days for shipping time door to door with this method.
- Our current minimum orders are 5,000 on test kits, and 10,000 units on PPE. There is no minimum on the Ventilators. If you have any people at hospital facilities that are in need, please pass this along. I've attached a few of the models we can order today.

Coronavirus testing and care: self-funded health plan considerations BenefitPro by Deborah Ault, RN:

"Medicare created CPT codes U0001 and U0002 for virus testing but hasn't determined the allowed amount. So even if you are in a reference-based pricing plan, if your plan gets a claim that is for a coronavirus test, it cannot be re-priced because there is no Medicare allowable established for it yet. Currently it appears that establishing the Medicare allowable rate for the test may take place in April."

Generally, we recommend avoiding directly securing test kits, unless you have a specific, compelling reason. If this exists, reach out to our team and we can connect you with some resources.

ERISA, Risk Management and Active Plan Management Considerations

Plan Design Considerations

Potential best practices and process for TPAs to follow related to minimizing costs, including some of the following

- Member education to steer members
- Non-rx compliance
- PA waivers
- Off label scripts
- Care received at temporary facilities
- Care not received
- Shared ventilators

[Phia Group Special Edition - The Phia Group and COVID-19 FAQs Answered](#)

“Federal law now requires all plans to cover FDA-approved diagnostic testing and related expenses with no cost-sharing (FFCRA).” This does not include home testing and no requirements related to any treatments for COVID-19. Plans will be prohibited to have any patient cost sharing for testing. Plans will be prohibited in anyway from imposing any medical management or obstacles from plan members to get access to testing. The time duration of how long this will be in effect are unknown, but during the National Disaster Emergency plans are advised to make these changes to their plan documents. Even High-Deductible Health Plans (HDHP) will need to modify their plan documents to address these changes.

“May want to consider adjusting the language if plan documents define providers narrowly as the Human Health Services (HHS) department is inviting retired doctors and nurses without necessarily current credentials to help treat patients during the COVID-19 outbreak.”

Considering How To Offer COVID-19 Coverage to Employees

[Guidance from Flume Health in responding to COVID-19:](#)

“If plan sponsors are interested in updating their plan to cover a patient’s cost for COVID-19 testing, we have encouraged our clients to consider the following issues:

- *“The change may require a Plan Amendment and a nominal charge to adjust the system setup. Ask your Third-Party Administrator (TPA)*
- *“The COVID-19 test will become part of the Preventive Services benefit.*
- *“The Plan must decide how they wish to reimburse Emergency Room charges. This would mean various options including either (1) COVID-19 diagnostic tests would be*

paid at 100% but ER charges are paid like any other condition, or (2) the entire episode of care would be paid at 100%.

- *“Several statements indicate that “Testing AND Treatment” will be reimbursed at 100%. Clarification is needed. If “treatment” is reimbursed at 100%, that would mean the plan would waive the deductible and all other out of pocket expenses for a hospital admission, and/or copayments for follow-up office visits.*
- *“Costs for COVID-19 tests vary. Tests are beginning to become more readily available and will be able to be administered in Urgent Care, retail clinics, or physician’s offices (just like the flu test). This fact may inform a plan sponsors’ decision regarding payment of ER or other out of pocket costs.”*

Sample Plan Document Amendment

Carl Schuessler (Health Rosetta Advisor) provided a [sample plan document amendment](#) for Novel Coronavirus (COVID-19) considerations to include in your plan document if the plan chooses to waive 100% of the patient deductible.

THIS SECTION DEFINITELY NEEDS MORE DETAIL. EMAIL OUR TEAM IF THIS IS A TOP PRIORITY WITH WHAT YOU WOULD LIKE TO SEE.

Cafeteria Plans (Sec 125)

TBD, email the Health Rosetta team if this is a high priority

ERISA Wrap Documents

TBD, email the Health Rosetta team if this is a high priority

Carrier Contract Considerations for Fully-Insured Groups

TBD, email the Health Rosetta team if this is a high priority

Surprise Billing

During this time employers need to be on the lookout for surprise bills. The COVID-19 environment provides ample ground for surprise billing: no out-of-pocket employee expenses, COVID-19 claims will be adjudicated like every other claim, patients will go into the doctor’s office for suspicion of COVID-19 and get treated for something else, etc. One way to guard against surprise bills is to empower your plan members to use the [Emergency Consent](#)

instructions as COVID-19 diagnosis and treatment are considered emergencies. This can be solved by employers saying: "You have full coverage for coronavirus and for "rule out" coronavirus up to two times Medicare, which means you should download and carry [this card](#)."

Stop-Loss Considerations

THIS SECTION DEFINITELY NEEDS MORE DETAIL. EMAIL OUR TEAM IF THIS IS A TOP PRIORITY WITH WHAT YOU WOULD LIKE TO SEE.

[See a summary of how stop-loss carriers are responding from Stealth Partners.](#)

[COVID-19 FAQ from American Fidelity](#) - An example of how American Fidelity, a stop-loss carrier is handling stop-loss COVID-19 considerations. It's important to not that every stop-loss carrier is different and your specific stop-loss carrier should be engaged before making any plan changes.

[Coronavirus testing and care: self-funded health plan considerations](#) **BenefitsPro** by **Deborah Ault, RN:**

"Look at when your plan is scheduled to renew, and what the coverage term of your stop-loss policy is to prepare for late hospital payments. Let's say you have a plan that is renewing June 1st, and you're on a 12/12 stop-loss policy. If billing is delayed until some unknown future date – let's say September – the health plan will still be financially responsible for paying those claims. They may be outside of the stop-loss reimbursement period, leaving the health plan sponsor solely responsible for the entire cost. For this reason, it is absolutely critical to keep the claims administrator in the loop.

"Health plan administrators need to work collaboratively with care providers to ensure timely submission of bills and processing claims promptly (even if the claims administration company is experiencing staffing changes itself as a result of the pandemic). Timely disclosure is a critical component of the stop-loss renewal and purchasing process, but prompt processing of claims to ensure that stop-loss runout timeframes are adhered to is also critical to the protection of the self-funded plan."

Primary Care Resources

Actionable Lessons From the Front-Lines of COVID-19 From Chief Medical Officers Webinar

COVID-19 Webinar Resources

- [Watch Recording](#)
- [View Slides](#)

Key Takeaways

- Lessons from Italy on why hospital-centric health systems are exacerbating the problem of COVID-19.
- There is no thriving healthcare system in the world without an excellent primary care foundation. The COVID-19 pandemic has highlighted how the way we decimated primary care over the last 20+ years made us more vulnerable and is not good for the future of all Americans.
- The federal government has moved swiftly to provide Medicare providers a prospective payment that is budget neutral to manage Medicare patients. The [Primary Care Marshall Plan](#) outlines swift action the health plans (commercial, Medicare & employer) can take to move to a budget-neutral prospective payment model. If focused on primary care (which is typically only 5-7% of spending), it shores up the frontlines of the COVID battle while setting the stage for a proper payment model going forward.
- [Vera Whole Health](#), [98point6](#), [Crossover Health](#) and [Proactive MD](#) are four examples of what we can do with accountable, primary care at the forefront of our medical system. Health Rosetta-style plans built around proper primary care typically spend 20-40% less than status quo plans while providing superior health outcomes.
- There are many other examples of value-based primary care, including Direct Primary Care (DPC), that have provided an avenue for Americans to see what is possible with high performing primary care.

Featured Speakers

Thank you to the leaders from four primary care innovators who took time away from the frontlines to share their insights with others.

- Kevin Wang, M.D., Chief Medical Officer at [Vera Whole Health](#)
 - Contact:

- sales@verawholehealth.com
- Lauren Gums, MHA, Vice President of Clinical Operations at [98point6](#)
 - Contact:
 - laurengums@98point6.com and Holly Gray, Director, Partner Marketing, holly@98point6.com
- Stephen Ezeji-Okoye, M.D., Chief Medical Officer at [Crossover Health](#)
 - Contact: Joe Kasztejna, Vice President of Sales,
 - joe.kasztejna@crossoverhealth.com
- Kayur Patel, M.D., Chief Medical Officer at [Proactive MD](#)
 - Contact:
 - kpatel@proactive.md

Additional Direct Primary Care Resources

- [Primary Care Marshall Plan](#)
- [Previous Employer-led Webinar Case Studies](#) - spending 20-55% less than average employers
- [Complimentary download of Dave's books](#)
- [DPC Map](#) - see what DPC practices are in your locale
- [Direct Primary Care Providers with virtual offerings](#)
 - Direct-Primary Care has the opportunity to be delivered almost entirely through virtual means. Many have discontinued “routine” follow-up visits and physical exams. Phone based urgent care handles perhaps 90% of issues. This could be a perfect opportunity to engage local Direct Primary Care practices to transition Plan Sponsors to a value-based primary care arrangement.

Additional References

1. [Centers for Disease Control and Prevention](#)
2. [John Hopkin's Corona Virus Research Center](#)
3. [Fisher Phillips Comprehensive and Updated FAQs for Employers On The COVID-19 Coronavirus](#)
4. [Tips from 100+ Remote Workers and Leaders \(HelpScout\)](#)

5. [Business Continuity Planning](#)
6. [Supply Chain Checklist from McKinsey & Company](#)
7. [An Employer's Guide to Navigating the Coronavirus](#), March 9, 2020 Gusto Editors
8. [Stratiscope's 34 ways for businesses to preserve relationships during coronavirus](#)
9. [Crisis Communication Tips for Customer Service Teams](#) by Help Scout
10. [Coronavirus testing and care: self-funded health plan considerations](#) by Deborah Ault, RN
11. [Guidance for Flume Health plans responding to COVID-19](#)
12. [International Foundation of Employee Benefit Plans \(IFEBP\) COVID-19 Resources Center](#)
13. [Society for Human Resource Management \(SHRM\)](#)
14. [MINTZ Employment, Labor & Benefits Legal Updates](#)
15. [Steptoe Coronavirus \(COVID-19\) Resource Center](#)
16. [ThinkHR and Mammoth COVID-19 EMPLOYER FAQ](#)