

## COVID-19: A Weekly Health Care Update from Washington April 13-17, 2020

### IN BRIEF

**What Happened This Week:** Negotiators failed to reach consensus on a proposal to provide additional support for small businesses this week (hospital funding was one of the major sticking points, although negotiations are progressing). Meanwhile, at the White House, President Trump and members of the Coronavirus Task Force unveiled the details of a new phased approach to “reopen” the nation’s the economy yesterday and instructed state governors to take the lead.

**What to Expect in the Weeks and Months Ahead:** Expect lawmakers to continue negotiating a path forward for additional small business support; expect lawmakers to continue working remotely on additional measures tied to the pandemic; and expect the Trump Administration to continue providing clarity and guidance on the distribution of funds and implementation of other major provisions in the first three COVID-19 bills.

### DEEP DIVE

#### ***President Trump Unveils “Guidelines for Opening Up America Again”; Instructs State Governors to Take the Lead on a Phased Reopening of the Economy***

President Trump and members of the White House Coronavirus Task Force unveiled the [details](#) of a new phased “reopening” of the nation’s economy using a “deliberate, data-driven approach.” The Administration leaves much of the decision-making to the states but instructs them to open up gradually after benchmarks on new cases, testing, and hospital resources are met. As far as timing goes, Coronavirus Task Force Response Coordinator Dr. Deborah Birx said there is no set schedule for any of the guideline’s three phases. “We want the governors, with the data that they have community by community, to be setting up those timelines,” she said. In order for states to begin implementing the three-phased reopening, the Administration says the following criteria should be met first:

#### **Symptoms:**

1. Downward trajectory of influenza-like illnesses (ILI) reported within a 14-day period.
2. Downward trajectory of COVID-like syndromic cases reported within a 14-day period.

#### **Hospitals:**

1. Downward trajectory of documented cases within a 14-day period.
2. Downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests).

#### **Cases:**

1. Treat all patients without crisis care.
2. Robust testing program in place for at-risk healthcare workers, including emerging antibody testing.

Once states have met the criteria described above, they can then begin implementing phase one. A breakdown of all three phases can be found [here](#).

### ***HHS Expected to Soon Announce Second "Tranche" of CARES Act Funding***

The Department of Health and Human Services (HHS) is expected to soon distribute the second funding "tranche" for providers responding to the pandemic on the front lines. Although the details of who / where this funding will be going is still unclear, CMS Administrator Seema Verma did recently suggest that the Department would be working to ensure that a portion of the funding would be set aside for the nation's "hot spots".

The Department [announced](#) the availability of the first \$30 billion in CARES Act funding to health care facilities and providers last Friday (April 10). This money is being distributed based on the facility / provider's share of 2019 Medicare fee-for-service reimbursements. Providers who were allocated a payment from the initial \$30 billion general distribution are required to sign an attestation confirming receipt of the funds and agreeing to the terms and conditions within 30 days of payment. Click [here](#) to open the CARES Act Provider Relief Fund Payment Attestation Portal. Click [here](#) for additional information – including FAQs – on the CARES Act's Provider Relief Fund.

### ***Negotiations on Additional COVID-19 Legislation Continue as Funding for CARES Act's Small Business Relief Program is Exhausted After Just Two Weeks***

Last week, an effort by Senate Majority Leader Mitch McConnell (R-KY) to quickly provide additional funding for the CARES Act's new [Paycheck Protection Program \(PPP\)](#) hit a roadblock after Democrats objected to the [measure](#), arguing that the "interim" funding bill must also [include](#) additional funding for hospitals, community health centers and health systems, additional funding for state and local governments, and increased SNAP benefits. Lawmakers were unable to reach consensus on the details of the bill before funding for PPP was [depleted](#) on Thursday; however, it appears that negotiations are progressing. In an interview this morning, Senate Democratic Leader Chuck Schumer (D-NY) said he didn't see any reason why both parties would not be able to come to an agreement "soon," and added that discussions between Democrats and Treasury Secretary Mnuchin have been "productive." Meanwhile, in the House, Republican Leader Kevin McCarthy (CA) [said](#) he would be open to the idea of voting for a bill that included PPP funding and the hospital funding that Democrats have been calling for. President Trump also indicated yesterday that he would be open to signing a bill that included funding for other programs in addition to PPP. Lawmakers are not expected to be physically present in Washington until at least May 4, however it's possible that Leader McConnell could move to pass the bill under a [unanimous consent](#) agreement by the end of the month – the only catch is that all members must agree to the measure.

### ***President Trump Instructs Administration to Temporarily Pause Funding for World Health Organization***

While speaking at a White House press briefing Tuesday evening, President Trump [suggested](#) he would be instructing his Administration to halt payments to the World Health Organization (WHO) while they work to "assess [the Organization's] role in severely mismanaging and covering up the spread of the coronavirus." He added that the review will last approximately 60-90 days. The President has criticized the WHO in recent weeks as being too deferential to China and for being too slow to adequately respond to the COVID-19 crisis. Public health stakeholders, meanwhile, have criticized Trump's decision to halt WHO support in the midst of a global pandemic.

## ***Democrats Urge Trump Administration to Open Special Enrollment Period for ACA's Federal Exchanges***

A group of Democratic lawmakers – including House Ways and Means Chairman Richard Neal (D-MA), House Energy and Commerce Chairman Frank Pallone (D-NJ), Education and Labor Chairman Bobby Scott (D-VA), Senate Finance Committee Ranking Member Ron Wyden (D-OR) and Senate HELP Committee Ranking Member Patty Murray (D-WA) – sent a [letter](#) to Health and Human Services Secretary Alex Azar, Treasury Secretary Steven Mnuchin, and Labor Secretary Eugene Scalia this week urging the Administration to “immediately establish a new [Special Enrollment Period] for millions affected by this ongoing economic and health crisis”. They added: “it is imperative that uninsured and underinsured Americans have access to comprehensive coverage through Healthcare.gov during this crisis and that further steps be taken to assist Americans who could benefit today from existing SEPs.” The letter comes after the Trump Administration [said](#) earlier this month that it would not open a special enrollment period for the uninsured to purchase insurance on the Affordable Care Act's federal exchanges, although those individuals who recently lost their employer-sponsored health insurance due to the pandemic are permitted to enroll in the exchanges under the ACA's special enrollment rules.

## **President Trump Announces Formation of “Great American Economic Revival Industry Groups”**

On Tuesday, President Trump released a list of executives, economists, scholars, and industry leaders who will work with the White House to form various “Great American Economic Revival Industry Groups” in an effort to “chart the path forward toward a future of unparalleled American prosperity.” The full list of companies can be found [here](#).

## **ADMINISTRATION ANNOUNCEMENTS**

### **Department of Health and Human Services**

- [HHS Announces Ventilator Contract with GE Under Defense Production Act](#)
- [OCR Resolves Civil Rights Complaint Against Pennsylvania After it Revises its Pandemic Health Care Triage Policies to Protect Against Disability Discrimination](#)
- [HHS Awards \\$90 Million to Ryan White HIV/AIDS Program Recipients for COVID-19 Response](#)
- [HHS to Release Funding to Support the Child Care and Development Block Grant](#)
- [HHS Facilitates Development of Immunotherapies for COVID-19 Patients](#)
- [HHS Announces New Ventilator Contracts, Orders Now Totaling Over 130,000 Ventilators](#)
- [Global Survey: Supporting Caregivers During the COVID-19 Pandemic](#)
- [Tribal and Urban Indian Organization Leader Message on COVID-19 - PDF](#)

### **Centers for Medicare & Medicaid Services**

- [CMS Increases Medicare Payment for High-Production Coronavirus Lab Tests](#)

### **Centers for Disease Control and Prevention**

- [Criteria for Return to Work for Healthcare Personnel with Confirmed or Suspected COVID-19 \(Interim Guidance\)](#)

- [Interim guidance For Homeless Service Providers To Plan And Respond To Coronavirus Disease 2019](#)
- [Interim Guidelines for Collecting, Handling, and Testing Clinical Specimens from Persons for Coronavirus Disease 2019](#)
- [Interim Operational Considerations for Public Health Management of Healthcare Workers Exposed to or Infected with COVID-19: non-US Healthcare Settings](#)
- [Operational Considerations for the Identification of Healthcare Workers and Inpatients with Suspected COVID-19 in non-US Healthcare Settings](#)
- [Standard Operating Procedure \(SOP\) for Triage of Suspected COVID-19 Patients in non-US Healthcare Settings: Early Identification and Prevention of Transmission during Triage](#)
- [Key Strategies to Prepare for COVID-19 in Long-term Care Facilities \(LTCFs\)](#)
- [Considerations When Preparing for COVID-19 in Assisted Living Facilities](#)
- [Considerations for Pharmacies During the COVID-19 Pandemic](#)

### Food and Drug Administration

- [FDA Encourages Recovered Patients to Donate Plasma for Development of Blood-Related Therapies](#)
- [FDA, Gates Foundation, UnitedHealth Group, Quantigen, and US Cotton Collaborate to Address Testing Supply Needs](#)
- [FDA Continues User-Fee Related Reviews Through COVID-19](#)

### National Institutes of Health

- [NIH Study Validates Decontamination Methods for Re-Use of N95 Respirators](#)

### QUICK LINKS

- [Mehlman Castagnetti's Infographics Analysis on Post-Pandemics Politics and Policy](#)
- [Additional Mehlman Castagnetti Resources on COVID-19](#)
- [Johns Hopkins University Map of Global Cases of Coronavirus](#)
- [CDC Map of Coronavirus Cases in the US](#)
- [CMS COVID-19 Stakeholder Call Recording/Transcripts](#)
- [Kaiser Family Foundation: State Data and Policy Actions to Address Coronavirus](#)
- [CRS Report: COVID-19 – Global Implications and Responses](#)