

COVID-19: A Weekly Health Care Update from Washington
April 6-10, 2020

IN BRIEF

What Happened This Week: Despite signs that some states and areas of the country are beginning to see a slowdown in the rate of new COVID-19 cases, the nation's death toll continues to rise to nearly 20,000 reported deaths (about half of those in New York state alone). As a result, both Congress and the Trump Administration continued their efforts to address the crisis from a variety of different angles this week...On Thursday, an effort by Senate Majority Leader McConnell to quickly provide additional relief for small businesses struggling to stay afloat in the midst of the pandemic hit a roadblock yesterday after Democrats said they would only support the measure if it included additional support for hospitals, state and local governments, and increased SNAP benefits...And earlier today, HHS announced it would be distributing the first \$30 billion in CARES Act funding to providers in support of COVID-19 response efforts.

What to Expect in the Weeks and Months Ahead: 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.

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Lawmakers Continue to Negotiate Additional COVID-19 Legislation as Implementation of the First Three Bills Gets Underway

An effort by Senate Majority Leader Mitch McConnell (R-KY) to quickly provide additional relief for small businesses struggling to stay afloat in the midst of the pandemic hit a roadblock yesterday after Democrats objected to the [measure](#), arguing that the "interim" funding bill must also [include](#):

- \$100 billion for hospitals, community health centers and health systems,
- \$150 billion for state and local governments, and a
- 15 percent increase to the maximum Supplemental Nutrition Assistance Program (SNAP) benefit.

As a result, lawmakers are expected to continue negotiating a path forward for the legislation. In a [tweet](#) this morning, President Trump reiterated his support for swift passage of Leader McConnell's bill "with no additions". He urged Congress to pass McConnell's bill (which would provide an additional \$250 billion for the recently-enacted CARES Act's [\(H.R. 748\)](#) new Paycheck Protection Program) before turning to a fourth major piece of legislation that he said should include "infrastructure...payroll tax cuts & more." In a statement released this afternoon, Senate Democratic Leader Chuck Schumer (D-NY) said he had a "constructive" call with Treasury Secretary Mnuchin earlier today and added that he didn't see any reason why both parties would not be able to come to an agreement "by early next week."

Looking ahead, it is almost certain that lawmakers will move to take up additional measures. What those bills will look like and when that will happen is still up in the air, although both Republicans and Democrats have expressed interest in taking up legislation to revive the economy, bolster the nation's infrastructure, and improve the nation's preparedness for future pandemics.

HHS Begins Distributing the First \$30 Billion in CARES Act Funding to Providers in Support of COVID-19 Response Efforts

The Department of Health and Human Services (HHS) [announced](#) today that it will immediately begin distributing \$30 billion of the \$100 billion in CARES Act funding to providers responding to the pandemic on the front lines. The Department said facilities and providers will be allotted a portion of the funding based on their share of 2019 Medicare fee-for-service reimbursements. HHS emphasized that these are payments, not loans, and therefore, will not need to be repaid.

- Click [here](#) for additional information – including FAQs – on the Provider Relief Fund.
- Click [here](#) for a state-by-state breakdown of the delivery of the initial \$30 billion of CARES Act Public Health and Social Services Emergency Fund.

For additional information, visit the HHS website here: <https://www.hhs.gov/provider-relief/index.html>).

GOP Health Committee Leaders Calling on Congress to Address Surprise Medical Billing in Future COVID-19 Legislation; HHS Says Providers Will be Paid for Treating Uninsured COVID-19 Patients Using CARES Act Funding

Senate HELP Chairman Lamar Alexander (R-TN) and House Energy and Commerce Ranking Member Greg Walden (R-OR) are [reportedly](#) working behind the scenes to shore up support for the inclusion of legislation to address surprise medical billing in a future COVID-19 bill. At this time, it is unclear whether any such provision will be included; however, Chairman Alexander appears to continue pushing forward with his effort, writing in a tweet this week: "Patients and consumer advocates agree we must end surprise medical billing. It's time to act." An end of the year deal on legislation to address surprise medical bills failed to come to fruition last December after policymakers were not able to reach consensus on the method for settling billing disputes.

In the meantime, the Department of Health and Human Services (HHS) is working to address the issue of surprise medical billing using authority provided to them in the CARES Act. On Friday, April 3, Secretary Alex Azar [said](#) health care providers (including hospitals) are not permitted to bill uninsured COVID-19 patients for treatment if they are accepting funding from the \$2.2 trillion Coronavirus Aid, Relief, and Economic Security (CARES) Act ([H.R. 748](#)), which Congress passed late last month. Instead, Secretary Azar said providers will be reimbursed at Medicare rates which will come out of a \$100 billion piece of the legislation.

Key Health Committee Lawmakers Urge Free COVID-19 Antibody Tests For All Americans

Senate HELP Committee Chairman Lamar Alexander (R-TN) and Senate Appropriations HHS Subcommittee Chairman Roy Blunt (R-MO) wrote a [letter](#) to HHS Secretary Alex Azar this week urging the Administration to confirm that the CARES Act (which includes a provision requiring free COVID-19 tests for all Americans) provides the HHS Secretary with the authority to make a second antibody test free as well. In the letter, the Senators wrote: "health professionals agree that Americans who have had the disease are almost certainly immune for a time and can go back to work and back to school without contracting the disease again or exposing others. Free

tests will help contain the disease and give Americans confidence that it is safe to go back to work and back to school and restart the economy.”

Senate Commerce Committee Holds Informal COVID-19 “Paper Hearing”; House Clerk Says it Will Allow Electronic Submission of Legislative Documents

In an effort to continue its investigative and oversight responsibilities while still adhering to public health guidelines, the Senate Commerce Committee held a “paper hearing” today (Thursday, April 9), specifically looking at recent uses of aggregate and anonymized consumer data to identify potential hotspots of coronavirus transmission and to help accelerate the development of treatments. The hearing kicked off with the committee posting the Chairman and Ranking Member’s opening statements and witness testimony online. Members are expected to submit questions to witnesses by close of business today; witnesses will then have 96 business hours to respond to these questions. Click [here](#) to view the opening statements and witness testimony. Click [here](#) for a full summary of the hearing.

The Commerce Committee’s “paper hearing” is just one way Washington is working to adapt to the social distancing guidelines, although it is worth noting that – according to Senate rules – these hearings are not to be considered official since any information collected from them would likely require a unanimous consent agreement (which would have to occur once the committee convenes in person).

On Tuesday, the House Clerk said it will allow Members and staff to submit certain documents electronically during the public health emergency, including:

- Legislation and additional cosponsors
- Extensions of Remarks and General Leave Statements for the *Congressional Record*

Trump Administration Not Expected to Open Special Enrollment Period for ACA’s Federal Exchanges in the Midst of the COVID-19 Pandemic

Earlier this week, the Trump Administration [said](#) 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.

HHS Announces Upcoming Action for Supplemental COVID-19 Response Funding

Earlier this week, the Centers for Disease Control and Prevention (CDC) announced its intent to provide \$186 million in funding for additional resources to state and local jurisdictions to support the following COVID-19 response efforts:

- Supplement an existing cooperative agreement to a number of states and local jurisdictions identified COVID-19 “hot zones” and jurisdictions with accelerating or rapidly accelerating COVID-19 cases.
 - CDC says this award will support a range of activities such as lab equipment, supplies, staffing, shipping, infection control, surge staffing, monitoring of individuals, and data management.
- Supplement an existing cooperative agreement to state jurisdictions through the Emerging Infections Program to enhance surveillance capabilities.

- CDC says activities include investigating and assessing the burden and severity of COVID-19, evaluating and determining risk factors and outcomes, and planning and implementing prevention strategies.

The Agency says it will use existing networks to reach out to state and local jurisdictions to access this initial funding. To view the list of CDC funding actions to jurisdictions, click [here](#).

CMS Approves \$34 Billion for the Accelerated/Advance Payment Program for Medicare Providers; Lawmakers Ask CMS to Waive or Modify Interest Rate Requirements

The Centers for Medicare & Medicaid Services (CMS) [said](#) it has distributed approximately \$34 billion over the past week to the healthcare providers battling COVID-19 through the expansion of the Accelerated and Advance Payment Program. The payments are available to Part A providers (including hospitals), and Part B suppliers (including doctors, non-physician practitioners and durable medical equipment suppliers). CMS says this funding is separate from the \$100 billion that Congress provided in the CARES Act and added that the Department of Health and Human Services (HHS) will provide additional information on how healthcare providers and suppliers can access CARES Act funds in the coming weeks.

On Wednesday, a bipartisan group of Senators – led by Jeanne Shaheen (D-NH) and Bill Cassidy (R-LA) – sent a [letter](#) to CMS urging the Agency to “waive or modify” the interest rate requirements for providers that seek financial assistance through the accelerated and advanced payments. “Hospitals, physicians and other health care providers have significant concerns about the 10.25 percent interest rate and the implications of such interest rates on their ability to participate in the Accelerated and Advance Payments Program,” the lawmakers wrote. “Our frontline health care providers and medical professionals across this country need financial support to continue their vital work in responding to COVID-19 and dealing with the economic consequences of this pandemic. Given the unprecedented nature of this crisis, more flexibility on interest rates and repayment of accelerated and advance payments will be very important.”

Trump Administration Mulling Over Best Way to Reopen the Nation

As the Trump Administration considers various options for reopening the nation’s economy, a number of health officials are [reportedly](#) focused on widespread testing and therapeutic development. No plan has been formalized yet, although the President said this week that his Administration is considering a number of different options. “We have a very large country with really different patterns of disease and outbreaks in different parts of the country, so it’s not going to be a one-size-fits-all,” said NIH’s Infectious Disease Director, Dr. Anthony Fauci, during a recent White House press briefing.

Former HHS Officials and Health Scholars Propose COVID-19 “Surveillance” System

A group of former Health and Human Services (HHS) officials and prominent health scholars unveiled a surveillance system proposal this week focused on mitigating the spread of COVID-19 and limit and suppressing future outbreaks. Within the plan, the officials – which include former FDA Commissioners Scott Gottlieb and Mark McClellan – emphasized that every region of the country should aim for the following outbreak surveillance and response capabilities:

1. Test and Trace Infrastructure: Capacity for Widespread Diagnostic Testing and Data Sharing to Enable Rapid Case-Based Interventions

2. Syndromic Surveillance: Integration of Test and Trace into an Enhanced National Syndromic Surveillance System
3. Serologic Testing: Capacity to Conduct Widespread Serologic Testing to Identify Reliable Markers of Immunity

This latest surveillance proposal follows a separate [report](#) – written by many of the same individuals – detailing a four step plan to “reopen” America.

Governors Reportedly Considering Consortium to Manage Medical Supplies

State governors are [reportedly](#) considering forming a consortium to manage medical supplies based on need. A spokesperson for the National Governors Association declined to elaborate but did acknowledge that the governors were “discussing” the matter.

ADMINISTRATION ANNOUNCEMENTS

Department of Health and Human Services

- [HHS to Begin Immediate Delivery of Initial \\$30 Billion of CARES Act Provider Relief Funding](#)
- [Trump Administration Acts to Ensure U.S. Healthcare Facilities Can Maximize Frontline Workforces to Confront COVID-19 Crisis](#)
- [Secretary Azar Remarks to Health Center Representatives](#)
- [OCR Announces Notification of Enforcement Discretion for Community-Based Testing Sites During the COVID-19 Nationwide Public Health Emergency](#)
- [Funding Opportunity: ADRC Critical Relief Funds for COVID-19 Pandemic Response](#)
- [HHS Statements on Authorizing Licensed Pharmacists to Order and Administer COVID-19 Tests](#)
- [OCR Reaches Early Case Resolution With Alabama After It Removes Discriminatory Ventilator Triaging Guidelines](#)
- [Indian Health Service Expands Telehealth Services During COVID-19 Response](#)
- [HHS Announces Ventilator Contract with Philips under Defense Production Act](#)
- [HHS Awards \\$1.3 Billion to Health Centers in Historic U.S. Response to COVID-19](#)
- [HHS to Provide Millions of TYVEK Protective Suits for U.S. Healthcare Workers](#)
- [HHS Announces Ventilator Contract with GM under Defense Production Act](#)
- [HHS Supports State, Territorial and Tribal Public Health Labs with COVID-19 Rapid Point-of-Care Test](#)
- [HHS Announces Upcoming Funding Action to Provide \\$186 Million for COVID-19 Response](#)
- [Tribal and Urban Indian Organization Leader Message on COVID-19](#)

Centers for Medicare & Medicaid Services

- [CMS Issues New Wave of Infection Control Guidance Based on CDC Guidelines to Protect Patients and Healthcare Workers from COVID-19](#)
- [CMS Approves Approximately \\$34 Billion for Providers with the Accelerated/Advance Payment Program for Medicare Providers in One Week](#)

Centers for Disease Control and Prevention

- [CDC Announces Modifications and Extension of No Sail Order for All Cruise Ships](#)

- [Strategic Priority Infection Prevention And Control \(IPC\) Activities For Containment And Prevention Of COVID-19 Cases At Healthcare Facilities In Non-US Settings](#)
- [Healthcare Provider and Facility Guidance for Non-US Settings](#)
- [Guidance for the Identification of Healthcare Workers and Inpatients with Suspected COVID-19 in non-US Healthcare Settings](#)
- [Interim Clinical Guidance for Management of Patients with Confirmed Coronavirus Disease](#)
- [Information for Healthcare Professionals: COVID-19 and Underlying Conditions](#)
- [Interim Additional Guidance for Outpatient and Ambulatory Care Settings: Responding to Community Transmission of COVID-19 in the United States](#)
- [Resources for Hospitals and Healthcare Professionals Preparing for Patients with Suspected or Confirmed COVID-19](#)
- [Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#)
- [Interim Guidelines for Collecting, Handling, and Testing Clinical Specimens from Persons for Coronavirus Disease 2019 \(COVID-19\)](#)
- [Considerations for Providing Hemodialysis to Patients with Suspected or Confirmed COVID-19 in Acute Care Settings](#)
- [Interim Guidance on Management of Coronavirus Disease 2019 \(COVID-19\) in Correctional and Detention Facilities](#)

Food and Drug Administration

- [FDA Warns Seller Marketing Dangerous Chlorine Dioxide Products that Claim to Treat or Prevent COVID-19](#)
- [FDA Authorizes Blood Purification Device to Treat COVID-19](#)
- [FDA Issues Second Emergency Use Authorization to Decontaminate N95 Respirators](#)

National Institutes of Health

- [NIH Blog Post – Dealing with Stress, Anxiety, and Grief during COVID-19](#)
- [NIH Clinical Trial Of Hydroxychloroquine, A Potential Therapy For COVID-19, Begins](#)

QUICK LINKS

- [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](#)