



## HEALTH LAW COVID-19 ALERTS

### [HHS' FAQs Address Restrictions on the Transfer of Provider Relief Fund Payments in Healthcare Transactions](#)

Purchasers and sellers of healthcare entities that received or intend to apply for Provider Relief Fund payments need to be aware of the restrictions on the receipt and transfer of those payments....To aid Provider Relief Fund applicants and recipients, HHS has published Frequently Asked Questions and Answers ("FAQs"), which it has periodically updated.

### [HHS Announces that it is Now Accepting Applications for Provider Relief Fund Phase 2 General Distribution Payments From Certain Medicare Providers](#)

On August 10, 2020, The Department of Health and Human Services (HHS) issued a release announcing that certain Medicare providers are now eligible to submit applications to receive Provider Relief Fund Phase 2 General Distribution payments.

### [Review Choice Demonstration to Resume on Home Health Care Agencies](#)

Effective August 3, 2020, the Centers for Medicare & Medicaid ("CMS") will resume Home Health Review Choice Demonstration ("RCD") on home healthcare agencies located in Illinois, Ohio, Texas, North Carolina, and Florida.

### [Health Care Providers Will Soon Need to Report on use of Provider Relief Funds Under the CARES Act](#)

Many health care providers received provider relief funds ("PRF") under the Coronavirus Aid, Relief and Economic Security Act ("CARES"). Recipients of PRF payments were required to agree to certain terms and conditions which referenced the submission of reports to the Department of Health and Human Services ("HHS"). Although there was little detail on the reports that would be required, and the detailed instructions on such reports still will not be released until August 17, 2020, some information has been released by the Health Resources and Services Administration ("HRSA"), which will administer the reporting process.

### [Update to Provider Relief Payment Reporting Requirements](#)

As detailed in our prior Alerts, persons receiving "Provider Relief Funds" in excess of \$150,000 through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Cares Act) were required to submit quarterly reports to the Department of Health and Human Services (HHS), beginning with the end of the second quarter (June 30, 2020).

### [CMS Issues Guidance on Reopening Health Care Facilities](#)

On June 8, 2020, the Centers for Medicare & Medicaid Services (CMS) issued separate guidance for reopening facilities for non-emergency care and for patients considering non-emergency, in-person care. These guidance documents are in keeping with CMS's effort to move toward Phase II of the "Guidelines for Opening Up America Again" issued by the White House in April 2020.

### [Recent HHS Provider Relief Payment Updates](#)

Since our May 11, 2020 Alert "HHS Provider Payment Updates," the Department of Health and Human Services (HHS) has issued additional guidance through updated FAQs for payments health care providers received pursuant to phases of the Coronavirus Aid, Relief, and Economic Security (CARES) Act ("Cares Act").

### [HHS Provider Payments Update](#)

As detailed in our April 29, 2020 Alert "HHS Provider Payments: Lack of Clarity Means Risk of Retention," many health care providers received payments pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, with additional payments available by application as of April 24, 2020. Since that time, the Department of Health and Human Services (HHS) has issued additional requirements and guidance regarding the CARES Act payments.





### [Reopening Your Medical or Dental Practice: Preparing Compliant Policies to Limit Practice Liability](#)

Medical and dental practices preparing to re-open or expand services being offered to patients must be aware of various state and federal requirements with which compliance is required. Because there is still a COVID-19 pandemic, elevated safety standards established by CDC, OSHA and other agencies must be satisfied to ensure protection of staff and patients.

### [Centers for Medicare & Medicaid Services Announces its Recommendations for Re-Opening Health Care Facilities for Non-COVID-19 Care](#)

On April 19, 2020, the Centers for Medicare & Medicaid Services (CMS) published its recommendations for re-opening health care facilities for non-COVID-19 care in states or regions that have met certain "Gating Criteria" announced by President Trump on April 16, 2020 (Recommendations). Gating Criteria consists of certain benchmarks that must be met before a region moves to different phases of re-opening facilities and services.

### [Illinois Governor Signs Executive Order Limiting Liability for Health Care Providers](#)

On April 1, 2020, Illinois Governor J.B. Pritzker signed Executive Order 17 in response to the COVID-19 pandemic (Order). This Order, pursuant to the Governor's authority under the Illinois Emergency Management Agency Act (20 ILCS 3305/6), restricts civil liability for "health care facilities," "health care professionals" and "health care volunteers" providing services during the Governor's current Disaster Proclamation.

### [COVID-19 Pandemic and HIPAA](#)

In an effort to encourage the availability of communication options between health care providers and their patients, the Notification provides that OCR will exercise discretion and not impose penalties for noncompliance with HIPAA for providers providing certain telehealth services.

### [Immediate Changes To Medicare Coverage for Telemedicine Go Into Effect During COVID-19 Emergency](#)

The Centers for Medicare & Medicaid Services (CMS) has broadened access to Medicare telehealth services on a temporary and emergency basis under its Section 1135 waiver authority under the Social Security Act and Coronavirus Preparedness and Response Supplemental Appropriations Act.

### [ISDS Issues Guidance Related to COVID-19](#)

The Illinois State Dental Society (ISDS) has issued guidance related to COVID-19. ISDS has noted that dentists are one of the highest risk categories for transmission and contraction of the virus with many routine dental procedures potentially transmitting the virus via aerosolization of fluids.

### [Home Healthcare Agency Preparedness for the Coronavirus](#)

Home Healthcare Agencies ("HHAs") should brace themselves to be at the forefront of treating those most vulnerable to serious complications of the coronavirus: elderly patients and those with serious, chronic medical conditions such as heart disease, diabetes, and lung disease.

### [How Physician Practices Can Prepare for Coronavirus](#)

Physician practices must be prepared to deal with the coronavirus pandemic. There are a variety of issues to consider, but the following should provide some guidance to our clients.

