TODAY IN WASHINGTON – MARCH 21, 2020: COVID-19 UPDATES

SATURDAY, MARCH 21 RECAP

Note – We believe this is the most up-to-date information available at this time, but it is subject to change as circumstances warrant. Also, all finalized resources can be found on the COVID-19 Resource Center page of Hall Render's website.

CONGRESSIONAL OUTLOOK

- After 12 hours of negotiation on Friday, Republicans and Democrats in the Senate continued to negotiate differences over the third emergency spending/stimulus bill known as the Coronavirus Aid, Relief, and Economic Security Act or the CARES Act (S. 3548) for most of Saturday. While Senate Majority Leader Mitch McConnell (R-KY) said yesterday his goal was to reach an agreement on the bill by the end of Friday, lawmakers have been unable to do so due to differences over expanding paid leave measures to go beyond what was included in the second emergency spending bill (H.R. 6201).
- Some Democratic senators have said that failure to include the expanded paid leave measures would be a deal breaker. By contrast, Republican senators have said they believe the chamber has reached the "contours" of a deal, which some reports say could be as much as $2 trillion and are now working on "loose ends."
- The Senate recessed for the day at 2 PM and is scheduled to reconvene at 3 PM on Sunday when it will take another procedural vote that will keep the chamber on track to pass the bill on Monday.
- Major hospital lobby groups, such as the American Hospital Association and the Federation for American Hospitals, are doubling down on efforts to increase aid in the stimulus bill, including at least $90 billion in supplement payments to help with cash flow and $100 billion for a hospital loan program.

HHS OCR ISSUES TELEHEALTH GUIDANCE

- HHS's Office for Civil Rights ("OCR") issued frequently asked questions to clarify how OCR is applying the "Notification of Enforcement Discretion" on telehealth remote communications. The notification announced that OCR is exercising its enforcement discretion to not impose penalties for HIPAA violations against health care providers in connection with their good faith provision of telehealth using communication technologies during the COVID-19 crisis.

HRSA 340B GUIDANCE

- The Health Resources & Services Administration's OPA released COVID-specific 340B guidance, including frequently asked questions.

NEWLY RELEASED RESOURCES

- On March 20, CMS updated the Frequently Asked Questions to assist Medicare providers and the Fact Sheet for Medicare Coverage and Payment Related to COVID-19.

FDA UPDATE

- On March 21, the FDA issued the first emergency use authorization for a point-of-care COVID-19 diagnostic for the "Cepheid Xpert Xpress SARS-CoV-2 test." The test's manufacturer claims this can deliver results in 45 minutes instead of hours.
- On March 20, the FDA issued a statement alerting consumers about unauthorized fraudulent COVID-19 test kits.

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