



Notes for COVID TA Call

3.30.20

Introductions

- Amanda Lighthiser is no longer with CDHS and is now with RMHS.

Updates from State Department Staff

- None.

Alliance Updates

- We will be hosting a Virtual Alliance Summit - more info coming this week. We are still looking for additional members to serve on the Summit Planning Committee. Contact Kylie if you are interested.
- We will now be posting/sending Alliance COVID Communications in the evening, rather than morning. We will be suspending A-Team News for a few weeks as these COVID emails tend to cover most things.
- April 15-16 Exec, BOD, Forum, Peer Network Meetings will be virtual: Stay tuned for the schedule/agendas.
- Virtual Happy Hour this week: Thursday, April 2 from 5-6pm. Contact Kylie to RSVP.
- Alliance COVID Page Updates to Note:
 - Updated to www.COIDD.com This website previously redirected to our End the Wait Page but now redirects to our COVID-19 page.
 - COVID Community Resources Posted on our COVID-19 Page: CBHC/MH Crisis Response, Arc, JFK Partners, CCDC, 211 Call Center, Unemployment Claims, and Broadband/internet resources.
 - CCDC is taking advocate/family questions for the state webinars at covid@ccdconline.org.
 - Alliance is taking questions from non-member PASAs at www.COIDD.com
 - Members can send questions directly to Josh Rael for HCPF and other departments.
- **Business Grants/Loans**
 - CO COVID Relief Fund (Gov's Office & United Way)
 - [Grants are now available for the CO COVID Relief Fund!!! Through this Fund, eligible community-based organizations across Colorado may receive a general operating grant of up to \\$25,000. Read below for more information. \(3.26.20\)](#)
 - "Help Colorado Now has raised \$7.7 million dollars from nearly 4,000 individuals, foundations and companies since the fund launched. More than 9,000 volunteers, including 2,000 health care volunteers, have signed up to date."
 - U.S. Small Business Agency Disaster assistance:
 - The SBA provides low-interest disaster loans to help businesses and homeowners recover from declared disasters.
 - <https://www.sba.gov/funding-programs/disaster-assistance>

Colorado Updates:

- CO Legislative Update from Emma
 - Saw some politics play out of the weekend and this morning as the House and Senate disagreed on going back in today. The Senate did not want to come in and the House did. They decided not to convene, and adjourned for the maximum allowable of 3 days and

they hope by adjourning for 3 days this will give them time to get a response from the Supreme Court as to whether the 120 days of session have to be consecutive or can simply be calendared days.

- May have to call a special session sometime this year and Republicans and Democrats would have to agree on priority bills that would be part of their scope of work. The Governor can also set their scope of work if they can't come to an agreement.
- HCPF general updates
 - CMS guidance re: 6.2% FMAP Increase
 - Retroactive to 1/1/20, lasting through the end of the quarter in which the public health emergency ends. States must not impose cost-sharing for testing or treatment of COVID. States received the money Weds 3/25. HCPF is working on tiered prioritization of flexibility needs and cost analysis.
 - The 6.2% FMAP increase will not cover the costs of all the flexibilities that HCPF has requested. What HCPF ends up being able to implement will depend on (1) CMS approval (which did happen last week), (2) available financing, and (3) prioritization of flexibilities within available funds.
 - We don't yet know how HCPF plans to spend those dollars.
 - CO's App K request was approved on Thursday. Linked on COVID webpage.
 - "Critical Business Self-Certification Form" from HCPF:
 - [The use of the form is voluntary and is not required. Download a copy of the form from our COVID website, posted 3.27.20.](#)
- HCPF Guidance documents issued last week
 - 3/24/20
 - [Supervision requirements for Class B Licensed HCBS:](#)
 - Supervision should be flexible to the needs of the member; can be conducted via phone/video/telecommunication or in-person (in case of safety concern); new member assessments/reassessments can be conducted via phone/video/etc.; providers should modify care plans as needed; guidance around skill evaluation of attendants.
 - [Changes to benefits and services:](#)
 - Services may not include more than 10 people, including staff; ensure social distancing of 6'; provide remotely or 1:1 wherever possible.
 - Prior to in-person services, conduct limited health screening of members & staff (temperature of 100 or higher is a failed screen)
 - Separate staff or member who is coughing or visibly ill and put a mask on them
 - Includes guidance for each HCBS service
 - 3/26/20
 - [COVID-19 Emergency Waiver Overview:](#)
 - Outlines flexibilities HCPF requested in broad terms. Clarifies that some flexibilities will require additional authorization from the CO General Assembly.
 - HCPF is planning to issue an FAQ document but it has not been posted yet and should answer a lot of the questions we have been sending them.
- Highlights from HCPF Friday webinars:



- Past Webinar Recordings: <https://www.colorado.gov/hcpf/covid-19-provider-information>
- Providers:
 - Links to guidance on properly caring for someone with COVID or under investigation
 - Isolation is what you do for someone who has the disease (tested + or presumed positive due to symptoms/exposure but do not qualify for test) – having own bedroom, bath, minimal contact with caregivers.
 - Quarantine means someone has been exposed but does not yet have symptoms.
 - App K amendment
 - CMS approved this 3/10-9/10. HCPF asked to temporarily waive cost caps (behavioral, etc.) and requested ability to enhance rates to compensate providers to pay staff more in hazard pay.
 - Some items had to be moved out and placed into the 1135 waivers.
 - [Appendix K approval letter \(03.27.20\)](#)
 - [CO's Appendix K waiver amendment request \(03.27.20\)](#)
 - Helpful that they clarified notification of a positive or suspected COVID diagnosis should be reported to CDPHE and not the counties.
- CCB/CMA:
 - The Department is reviewing the TCM cap with CMS currently.
 - We hope to have more on the FAQ and when they hear back from CMS.

Federal Updates:

- FFCRA (Families First Coronavirus Relief Act) paid leave provisions:
 - **Note:** DOL has announced it is not planning to actively enforce these provisions for the first 30 days after the effective date (which is now April 1).
 - We linked an excellent 90 minute webinar on our COVID page from an Employment Law firm: [Practical Issues for Employers in Navigating the New Federal Emergency Paid FMLA and Sick Leave Mandates](#) (3.24.20) *you may need to register to view the recording.
 - You should also reference the DOL Guidance posted on our page under Federal Resources. These two items combined will give a great overview of what we know and what we do not yet know.
 - There are two separate parts of paid leave in the FFCRA:
 - Emergency Paid Sick Leave (“EPSL”)
 - Up to 80 hours (~first 10 days) of their sick leave paid, 6 different reasons they would be eligible
 - Full pay or 2/3 pay (depending on reason) – subject to caps daily and total.
 - Emergency Paid FMLA (“FMLA+”)
 - Up to 12 weeks (~Days 11-60), one reason only (taking care of a child whose school/care closed)
 - Weeks 1-2: unpaid
 - Weeks 3-12: 2/3 pay – subject to caps
 - Both apply to employers with fewer than 500 employees. If they are on your payroll, they are eligible, however the [DOL's Q&A doc](#) is posted and you should look at this for more guidance. This doc also talks about how to calculate if your business has more than 500 employees.

- Employers who are subject to this can receive an advanced tax credit from the Treasury instead of being reimbursed on the backend. [3/20/20 IRS -DOL announcement](#) that employers can recoup this money immediately by keeping a portion of the deposit they otherwise would pay as part of their employee's federal, social security, and Medicare taxes.
- Definition of "Health care worker" was expanded over the weekend but Alliance Leadership feels it is still inconclusive and therefore DSP are not included in the definition and cannot be exempted from the Act. If we exempt ourselves by being included in the definition, then any additional paid leave you decide to offer your employees for any reason during this may not be reimbursable by the government. It is mandatory to offer this if any employer is covered in the Act.
- Please send Josh and Ellen your feedback and concerns. The Alliance GRACE committee will help with next steps.
- **Chat:** in our area, no one is being tested unless they meet the criteria for hospitalization and are told to self-isolate at home if they have symptoms. How does this fit into the FFCRA?
 - An employee does not have to have a positive test in order to qualify for the paid leave. One of the reasons they can qualify is if they are "experiencing symptoms of COVID-19 and is seeking a medical diagnosis." See [DOL Q&A](#) for more info.
- 3rd COVID funding package Update: Coronavirus Aid, Relief, and Economic Security (CARES) Act
 - Passed last week. Over 800 pages long and \$2.2T in aid.
 - Allows providers to bill for DSPs to support people during short-term hospital stays (states need to apply for waiver modification, but could be retroactively applied once effective).
 - \$560B to small business disaster loans program – for businesses with 500 or fewer employees. Medicaid-funded non-profits are eligible to apply for these loans.
 - Administration for Community Living emergency funding includes additional support for Sec 811 Housing programs
 - \$150B for the Coronavirus Relief Fund – each state will get minimum \$1.25B. Not a lot of detail around how that is to be used or if frontline providers would be eligible to receive it.
 - More unemployment benefits assistance – including allowing employees to defer payment of the employer share of the social security tax they pay for employees and pay it over the next two years instead (6.2%).
 - There is a [summary by ANCOR on the three stimulus packages](#) that have been passed to date on our COVID webpage.
- We expect congress to work on a 4th funding package and hope to get some provisions included which we have previously discussed and did not make it into the CARES Act around hazard pay, OT, sick leave etc. ANCOR will put together a survey around cost information and why these provisions need to be included.
- ANCOR advocacy
 - Signed on to a letter requesting that IDD providers, home care, etc. be considered as a priority category for receipt of PPE.
 - Sent a letter to USDOL requesting that DSPs and other staff be considered as health care workers for purposes of being exempt under the FFCRA's paid leave provisions.
- NEON Grant



- Alliance is one of five state associations selected by ANCOR for this employment related grant and ODEP is working on delaying the timelines to give recipients a chance to catch up before focusing on this again.

