



Visit our COVID-19 Page Here

Dear Member:

The Maine CDC updates COVID-19 testing data once each day, Monday through Friday by 12 PM EDT. Because of the number of outside labs that are testing samples from Maine, it is no longer possible to post an accurate count of negative tests. You may access the information here:

<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus.shtml>

As of today, April 1, 2020 at 12:00 PM:

Total Confirmed Cases	344
Total Recovered	80
Total Hospitalized	63
Total Deaths	7

Update on DOL Guidance on Exclusion of Health Facility Employees From Coverage under the FFCRA - Elizabeth A. Olivier, Partner and General Counsel, PretiFlaherty

Ed. Note: MHCA understands this might be a difficult topic to address with staff but the DOL definition is clear in this time of health crisis and gives employers the ability to modify based on your facility's needs. DOL also makes clear the responsibility to provide notice.

On March 28, 2020, the U.S. DOL released an updated set of Questions and Answers that provide guidance concerning coverage of certain health care providers under the FFCRA. This Guidance can be accessed at <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>.

This Guidance states that employers may elect to exclude health care providers from coverage under the FFCRA. The definition of health care provider under this guidance includes anyone employed at a doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, home health care provider, retirement community, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer or entity. To minimize the spread of the virus associated with COVID-19, the Department encourages employers to be judicious when using this definition to exempt health care providers from the provisions of the FFCRA.

The Guidance does not clarify how an employer may choose to define the scope of the exclusion. Some employers may choose to make all employees exempt. Some may choose to allow only certain categories of employees, such as those in non-essential positions, to take paid FFCRA leave. Others may choose to pay FFCRA leave on a case by case basis. Unless and until the DOL provides further clarification through updated guidance or regulations, these are decisions that each employer is going to have to make based on an assessment of what works best for the employees, residents and facility. In all cases, it will be critical for the employer to have a legitimate nondiscriminatory reason for determining who will and will not receive paid leave.

Finally, given the requirement that covered employers provide employees notice of their rights under the FFCRA and post the notice in a conspicuous location (see <https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions> for poster information), and because the DOL form Notice does not address the exemption for health care providers, health care facility employers who intend to exclude certain employees from coverage should provide employees notice of the exclusion.

Weekly Maine CDC call for Long Term Care Facilities

The connection information for the Wednesday Maine CDC weekly call with Rita Owsiak, Healthcare-Associated Infection Coordinator, Coronavirus Update for Long Term Care Facilities, effective March 25, 2020 is as follows:

Every Wednesday 1:00 p.m. EST

<https://zoom.us/j/529438381>

At this time, there is not a stand alone call in feature for this meeting.

CDC "toolkit" as cases emerge in LTC

Members received information from Licensing and Certification yesterday, which was also referenced

on the Maine CDC call for LTC today. It talks about a “toolkit” but it is really a set of links to the following information, some of which MHCA has already provided, but we share again here as they’ve grouped the information as follows:

“States are seeing a rapid increase in nursing homes and other long-term care facilities. CDC’s new COVID-19 long-term care facilities toolkit includes [guiding principles](#) for infection prevention and control, a [letter](#) for facilities to use to share actions for keeping residents safe, a facility [self-assessment](#) preparedness checklist, and a long-term care respiratory [surveillance line list](#) which provides a template for data collection and active monitoring.”

Recently released CMS Blanket Waiver guidance:

The Centers for Medicare and Medicaid Services (CMS) has issued [several blanket waivers for long term care providers](#) in pages 9-12. The following blanket waivers are in effect, with a retroactive effective date of March 1, 2020 through the end of the emergency declaration. <https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf>

AHCA Accelerated and Advance Payments FAQs

The AHCA Medicare Accelerated and Advance Payment [FAQs](#) was developed to supplement the recent CMS Fact Sheet related to this topic. These FAQs are based on preliminary feedback from CMS to member submitted questions. The Agency will be releasing its own version in the coming days, incorporating additional questions posed by members.

The accelerated and advance payment provisions permit providers to submit a request to their MAC on a simple form to obtain accelerated payments for Medicare Part A and Part B services for up to three months of historical billing. Providers will still be able to submit and be paid for claims during this period. After 120 days for receipt of the payment, providers will have a flexible process to repay during the subsequent 90 days. This [AHCA FAQ document](#) contains additional details regarding the process and MAC contact information and links.

Thank you for all you do to care for your residents and staff.

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