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PLUGGED IN TO COVID-19 @ HINMAN STRAUB

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Plugged In To COVID-19

Daily coverage of state actions surrounding COVID-19

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Governor's Briefing For April 21

Total Positive Cases: 251,690
Newly reported cases: 4,178
Deaths: 14,828
Regional breakdown by County:*

NYC	139,325	Rensselaer	183	Otsego	49		
Nassau	31,079	Steuben	170	Livingston	39		
Suffolk	28,154	Genesee	121	Montgomery	37		
Westchester	24,656	St. Lawrence	120	Tioga	37		
Rockland	9,568	Tompkins	119	Cayuga	36		
Orange	6,561	Columbia	113	Wyoming	36		
Dutchess	2,331	Madison	106	Cattaraugus	35		
Erie	2,147	Warren	102	Allegany	30		
Monroe	1,070	Greene	87	Fulton	27		
Ulster	893	Chenango	79	Chautauqua	25		
Albany	704	Chemung	75	Cortland	25		
Putnam	605	Ontario	72	Essex	21		
Sullivan	555	Washington	68	Schoharie	20		
Onondaga	514	Jefferson	54	Seneca	18		
Oneida	284	Orleans	53	Franklin	13		
Schenectady	273	Clinton	51	Yates	10		
Niagara	260	Wayne	51	Lewis	9		
Saratoga	257	Herkimer	50	Schuyler	7		
Broome	205	Delaware	49	Hamilton	3		

*Data reported by DOH as of 4/21/20 @ 2:00 pm
Data Reported by the CDC - Nationwide Cases

The Governor held his daily briefing on Tuesday from the Roswell Park Cancer Institute in Buffalo, NY. The Department of Health has announced 4,178 new cases of novel coronavirus, bringing the statewide total to 251,690 cases. The Governor also confirmed 481 additional deaths (29 in nursing homes), bringing that total to 14,828.

The early part of the Governor's briefing primarily focused on the varying range of incidence and rate of infection in Upstate NY, Western NY, and Downstate NY and announced a resuming of elective procedures in counties and hospitals without significant risk of COVID-19 surge in the near future (see below). The Governor reiterated his commitment to maintain the "Surge and Flex" approach to address the areas of high incidence and need by shifting supplies, workforce and resources.

Scaling up testing in order to safely and confidently reopen the state's economy continues to present its challenges as the Governor continues to seek supply chain support for the hundreds of labs being coordinated by the state under a recent Executive Order, where reagents and affiliated equipment being the main focus of need. The Governor was set to meet with the President Tuesday evening to discuss the increase of lab testing as well as the state and federal partnership to meet the need for testing to reassuringly reopen the economy.

Additionally, the Governor addressed re-opening the state through a "regional economy" approach under coordination of a hand selected monitor chosen by the Governor who will be in charge of each region. The first announced regions to reopen will be Western NY coordinated by Lt. Governor Kathy Hochul, and the Finger Lakes Region coordinated by Robert Duffy, former Lt. Governor.

Governor's Evening Briefing After Meeting with the President and His Team

The Governor held an evening briefing from the Red Room to summarize discussions he shared with the President and his team regarding support with testing and supply chain concerns for the 300 plus labs soon to be coordinated by the DOH. The Governor and the President have reached an agreement of responsibilities for increasing testing capacity.

The State will ramp up testing capacity from its current 20,000 tests per day toa goal of 40,000 tests per day, as well as coordinate the labs across the state. The federal government will be responsible for coordinating the procurement of reagents and laboratory test kits/supplies among national manufacturers and

suppliers. The Governor expressed his appreciation for the cooperation and partnership from the President and his for working through the details of this arrangement.

The Governor also spoke on the needed financial support from the federal government for state and local governments. After passage of the most recent stimulus bill, the state and local governments have been unsupported financially despite all the work and effort put forth to minimize the impact of the COVID-19 pandemic. The Governor was optimistic that the President will ensure any future federal legislation will provide financial relief to the state and local governments.

Select New York Hospitals to Resume Elective Treatment

The Governor announced that within the state's "Do No Harm" approach toaddress the COVID-19 pandemic, the State will allow elective outpatient treatments to resume in counties and hospitals without significant risk of COVID-19 surge. The State's intent is to find a balance that allows elective treatments without sacrificing the availability of beds to address a surge inCOVID-19 cases.

According to a **press release** from the Governor's Office, *"Hospitals will be able to resume performing elective outpatient treatments on April 28, 2020 if the hospital capacity is over 25 percent for the county and if there have been fewer than 10 new hospitalizations of COVID-19 patients in the county over the past 10 days."* If the threshold measures are exceeded due to an increase inCOVID-19 cases within the county, hospitals must cease elective surgeries.

Elective surgery restrictions remain in place for Bronx, Queens, Rockland, Nassau, Clinton, Yates, Westchester, Albany, Richmond, Schuyler, Kings, Suffolk, New York, Dutchess, Sullivan, Ulster, Erie, Orange, and Rensselaer Counties. The State Department of Health will issue guidance on resuming elective surgeries.

Also, as part of the federal administration's plan to "**Opening Up America Again**," the Centers for Medicare & Medicaid Services (CMS) recently issued**recommendations** for facilities to provide non-emergent non-COVID-19healthcare in regions with low incidence of COVID-19 disease. The recommendations suggest some flexibilities for healthcare systems or clinicians to restart clinically necessary care for non-COVID-19 patients and chronic complex care needs patients with respect to the following general considerations. A high-level overview of these considerations are as follows.

- In coordination with State and local public health officials based on incidences and trends;
- Medical necessity of the care based on prioritized clinical need;
- Considerations to create Non-COVID Care zones within facilities; and

- Sufficient resources across phases of care, including PPE, healthy workforce, facilities, supplies, testing capacity, and post-acute care, without jeopardizing surge capacity.

Additionally, the recommendations include continued evaluation that the region(s) are continue at a low-level risk of incidence.

FDA Authorizes First Test for Patient At-Home Sample Collection

According to a **press release** on Tuesday, the U.S. Food and Drug Administration authorized the first diagnostic test with a home collection option for COVID-19. Specifically, the FDA **re-issued the emergency use authorization** (EUA) for the Laboratory Corporation of America (LabCorp) COVID-19 RT-PCR Test to permit testing of samples self-collected by patients at home using LabCorp's Pixel by LabCorp COVID-19 Test home collection kit. The kit offers a nasal swab and saline collection method for patients to self-collect samples and mail them in an insulated package for processing by LabCorp. These kits are intended to be available to consumers in most states with a doctor's orders in the coming weeks.

Guidance and Agency Updates

Department of Health

The DOH has issued various guidance documents to include the following issues.

Guidance for Private Practice Specimen Collection Sites - Physician practices operating large-scale specimen collection sites to collect samples from patients for submission to laboratories for COVID-19 testing must adhere to this guidance regarding specimen collection and testing.

Guidance for Managing Nursing Home Resident Deaths – This guidance is intended for nursing homes that may be experiencing an increase in resident deaths, as well as nursing homes that may be relying upon new staff to perform this sensitive responsibility. This guidance is intended to ensure the most appropriate removal of decedents from the facility.

Additionally, the DOH has issued **guidance for managing decedent personal effects** which provides recommendations for accommodations of increased need for tracking, storage, and handling of decedent personal effects. Though this guidance was developed for the New York City area facilities, it can be useful for areas across the state.

Guidance for Resident and Family Communication in Adult Care Facilities and Nursing Homes – This guidance includes best practices tokeep residents and families engaged during COVID-19 and ideas to keep families and residents connected with each other during these unprecedented times.

U.S. Department of Health and Human Services (HHS)

HHS - Office for Civil Rights (OCR) Bulletin: Civil Rights, HIPAA, and COVID-19 – This bulletin is being issued to ensure that entities covered by civil rights authorities keep are reminded of their obligations under laws and regulations to prohibit discrimination regarding HHS-funded programs.

U.S. Department of Education

CARES Act: Higher Education Emergency Relief Fund (HEERF) – U.S. Department of Education has **issued information** on how to access the second half of formula grants to institutions of higher education authorized by Section 18004(a)(1) of the CARES Act, also known as the funds for "Recipient's Institutional Costs." In a **letter from the U.S. Secretary of Education**, Betsy DeVos, the second half of the funds may be used by institutions to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus. A second Certification and Agreement process is being conducted separate from the previously Emergency Financial Aid Grants toStudents. Recipient's Funding Certification and Agreement for the Institutional Portion of the HEERF is available **here**, and should be returned via **Grants.gov**.

Document Links and Resources

Chaptered in the Laws of 2020
3/18/20 - **Paid Leave for Employees Quarantined** Chapter 25 of 2020
3/2/20 – **Emergency Appropriation Bill** Chapter 23 of 2020.

Executive Orders issued
4/20/2020 - **Executive Order #202.22**
4/19/2020 - **Executive Order # 202.21**
4/18/2020 - **Executive Order # 202.20**
4/17/2020 - **Executive Order # 202.19**
4/16/2020 - **Executive Order # 202.18**
4/15/2020 - **Executive Order # 202.17**
4/13/20 – **Executive Order #202.16**
4/9/20 – **Executive Order #202.15**
4/7/20 - **Executive Order #202.14**
3/30/20 - **Executive Order #202.13**
3/28/20 - **Executive Order #202.12**

3/27/20 – **Executive Order #202.11**
3/23/20 – **Executive Order #202.10**
3/21/20 – **Executive Order #202.8** & **Executive Order #202.9**
3/19/20 - **Executive Order #202.7**
3/18/20 - **Executive Order #202.6** & **Executive Order #202.5**
3/16/20 – **Executive Order #202.4** & **Executive Order #202.3**
3/15/20 – **Executive Order #202.2**
3/14/20 – **Executive Order #202.1**
3/7/20 – **Executive Order #202**

DOH Guidance and Regulations

4/21/20 - Guidance

- **Guidance for Private Practice Specimen Collection Sites**
- **Guidance for Managing Nursing Home Resident Deaths**
- **Guidance for Managing Decedent Personal Effects**
- **Guidance for Resident and Family Communication in Adult Care Facilities and Nursing Homes**
- **HHS - Office for Civil Rights (OCR) Bulletin: Civil Rights, HIPAA, and COVID-19**

4/20/20 - Guidance and Health Advisory

- **Discontinuation of Isolation for Patients with COVID-19 Upon Certain Criteria**
- **ACF Infection Prevention Control Self-Assessment Checklist**
- Medicaid Update - **April 2020 Special Edition COVID-19**

4/19/20 – Guidance

- **CMS – Nursing Homes COVID-19 Transparency Effort**

4/17/20 - Advisory

- **Groups at Higher Risk for Severe Illness From COVID-19**

4/14/20 – Guidance and News Updates

- **CMS – Supplemental Information for Transferring or Discharging Residents Between LTC Facilities**
- **CMS – FAQs for PACE Program Community**
- **State Selects to Use a "Choice Model" for Implementation of EVV**
- **State Posts COVID-19 Related Fatalities Within Nursing Homes & ACFs**

4/13/20 - Guidance

- **Long Term Care Facility COVID-19 Preparedness Checklist**
- **DHDTC DAL 20-09** - Emergency Approval for Hospitals Seeking toIncrease Providers
- **Drug Treatment Information for COVID-19 Patients Under Medicaid**

4/10/20 - Guidance and Health Advisory

- **Regulatory Relief for Home Care Providers**
- **Guidance to Funeral Directors**
- **Health Advisory Regarding Collection of COVID-19 Testing Demographic Information**

4/9/20 - Health Advisories and Guidance

- **Use of Cloth Face Coverings**

- **Sexual and Reproductive Health Services are Essential Services**
- **Local Health Department (LHD) Contact Investigations**
- **Hospital ER Treatment of Sexual Assault Patients During the COVID-19 State of Emergency**
- **CMS Releases Waiver for Paid Feeding Assistants in Nursing Homes**
- **Hospital Discharges and Admissions to ACFs**
- **DOH Guidance for Dialysis Treatment**
- **CMS Guidance for Dialysis Facilities During COVID-19**

4/8/20 - Guidance

- **MCO Contracting and Surveillance Relief**
- **1915(c) Children's Waiver HCBS – Respite Services**
- **Updated Guidance for LTSS Under Medicaid**
- **Adult Social Day Care (SDC) Services to MLTC Members**
- **Medicaid Pharmacy Guidance**

4/6/20 - Guidance

- **Expediting of NEMT for MLTC Members** and **NEMT Provider FAQs**

4/4/20 - Waiver & Guidance

- **NH and ACF Resident and Family Communications**
- **1135 Approval to Waive Nurse Aides Training and Certification**

4/3/20 - Guidance

- **Suspension of Health Plan Utilization Reviews**

4/2/20 - Information

- **Medicaid Eligibility During COVID-19**

3/31/20 - FAQs and Guidance

- **Premium Payment and Grace Period Rules**
- **DOH and NYSOH Guidance on Insurance Premiums**
- **Telehealth / Telephonic Services – FAQ's**
- **CFTSS and Children's HCBS Requirements**

3/27/20 - Guidance

- **Infection Control in NYS DOH Supportive Housing Programs**

3/26/20

- **COVID-19 Infection Control Guidance for NHs and ACFs**

3/26/20 – U.S. HHS

- **HHS FAQs on Telehealth and HIPAA**

3/25/20 –Waiver Request

- **Medicaid 1135 Waiver Request**

3/25/20 – Guidance and Update

- **Hospital Discharge and Admission to Nursing Home**
- **DOH Submits Medicaid 1135 Waiver Request**

3/23/20 – Guidance

- **Revised Medicaid Update - Telehealth / Telephonic Services**

3/22/20 - Guidance

- **Guidance Regarding ACF Operations During COVID-19Outbreak**

3/21/20 – Guidance and COVID-19 FAQs

- **COVID-19 Frequently Asked Questions**

- **Guidance - NHs and ACFs in Areas of Sustained Transmission Presumption of COVID-19**
- **Medicaid Update COVID-19 Telephonic and Telehealth**
- **Facilitated Enrollment Agencies for the Aged, Blind and Disabled**
- **Medicaid Program - Transportation Management**

3/19/20 - Guidance

- **Children and Family Treatment and Support Services (CFTSS)**

3/18/20 - CMS Guidance Issued

- **Guidance to PACE Organizations in Response to COVID-19**

3/17/20 - Guidance

- **Immediate Temporary Suspension of Adult Care Facilities Day Programs for Non-Residents**

3/16/20 - Medicaid Pharmacy Guidance

- **Medicaid Pharmacy Guidance during Declared Disaster Emergency**

3/15/20 - Guidance - Home Health Care, HCBS and Health Home (HH)

- **HCBS Providers Serving Children Under 1915(c) Waiver - COVID-19**
- **Health Homes Serving Adults & Children and CCO/HH - COVID-19**
- **Home Health Care Agencies and Hospice Providers**

3/13/20 – Guidance Suspending Visitation and Gatherings

- **Suspension of All Visitation in ACFS and Nursing Homes**
- **Interim Guidance for Large Gatherings and Public Spaces During the COVID-19 Outbreak**

3/11/20 - DAL to ACFs

- **DAL #20-10 - COVID-19 Guidance for Adult Care Facilities**

3/11/20 – Cleaning and Disinfection Guidance

- **Food Manufacturing Facilities or Food Retail Stores**
- **Public and Private Facilities**
- **Public Transportation Settings**
- **Houses of Worship**
- **For Schools**
- **Non-Healthcare Setting**
- **List of Products** To Disinfect COVID-19

3/9/20 – Emergency Regulations

- **Investigation of Communicable Disease; Isolation and Quarantine**

2/26/20 – Emergency Proposed/Regulations

- **Emergency/Proposed Regulations – Communicable Diseases Reporting and Control** – Adding Severe or Novel Coronavirus

DFS Guidance and Regulations

4/17/20 - Department Order

- **Temporary Regulatory Relief for New York - Chartered Financial Institutions**

4/14/20 – FAQs

- **FAQs for Insurance Industry**

4/13/20 - Guidance
- **DFS Regulated Entities Regarding Cybersecurity**

4/8/20 - Emergency Regulations
- **Insurance Premium Payment "Grace Period"**

4/7/20 – Guidance
- **State-Regulated Student Loan Servicers – Borrow Reliefs**
- **Insurers' Challenges for Delivery Notices**

4/5/20 - Guidance
- **Industry Letter - Paycheck Protection Loan Program**
- **Electronic Delivery of Notices**

3/31/20 - Emergency Adoption of Regulations
- **Grace Period for Life Insurance Premium Payments**

3/25/20 – Guidance
- **Insurance Circular Letter No. 9 (2020)** - Coronavirus and Insurance Producer Licensing Requirements

3/24/20 – Emergency Regulations
- **Relief for NY'ers who Demonstrate Hardships**

3/19/20 – **Circular Letter #8**
- **Insurers to Suspend Pre-Authorization and Administrative Requirements During COVID-19**

3/19/20 – Circular Letter #7
- **Regulated Insurance Entities Regarding Support for Consumers and Businesses impacted by COVID-19**

3/16/20 – Special Enrollment Period (SEP)
- **NYSOH and DFS Announce SEP beginning 3/16 until 4/16**

3/16/20 – Emergency Adoption of Regulations
- **Prohibits Insurers From Imposing Cost-Sharing, Copayments, Coinsurance, or Annual Deductibles During Declared State of Emergency for Telehealth Services for COVID-19**

3/13/20 – Emergency Adoption of Regulations
- **Prohibits Insurers From Imposing Cost-Sharing, Copayments, Coinsurance, or Annual Deductibles for COVID-19**

3/11/20 – **DFS Issues Circular Letter #5**
- Chief Executive Officers or the Equivalents of DFS Regulated Insurance Entities

3/6/20 – **DFS Issues Insurance Circular Letter #4**
- All Authorized Property/Casualty Insurers and Licensed Travel Insurance Producers "*Cancel For Any Reason*" Travel Benefits

3/3/20 – **DFS Issues Insurance Circular Letter #3**
- This circular letter urges participation of health insurance plans to reduce the barriers to individuals being tested for the virus.

SED and Higher Ed Guidance and Regulations

4/21//20 - Funding Information
- **U.**S. Department of Education - **Higher Education Emergency Relief Fund (HEERF)**

4/19/20 - Updated Guidance and Memo
- **Updated Guidance** on Work-Based Learning Programs
- **Updated Guidance** on Appearance Enhancement Programs

- **Updated Guidance** on Driver and Traffic Safety Education
- **Required Actions and Funding Levels for Target Districts**

4/17/20 - Invitation Letter

- **CTE and Adult Education Fiscal Waiver** and **Optional Template**

4/16/20 – Emergency Regulations

- SED's Office of Special Education - **Special Education Programs and Services and Due Process Procedures**

4/14/20 – Funding

- U.S. Department of Education - **Governor's Emergency Education Relief Fund**

4/13/20 – Guidance

- **Donation or Loan of Federally Funded PPE and Other Medical Supplies**

4/10/20 – Guidance

- **Guidance on Clinical Hour Requirements** – Home Health Aides, Nurse Aid, EMTs

4/9/20 - Guidance

- SED's Office of Special Education - **Subject Area Certification Requirements, SOCE Application Deadline Extension, and Teaching Experience**
- U.S. Department of Education - **Announces $6 Billion Distribution to Colleges and Universities** - **Allocation List** and **Reporting Requirements**

4/7/20 – Guidance

- **Graduation and Course Requirement Changes** due to COVID-19School Closures

4/6/20 – Emergency Regulations

- **Easing the Burden on Educators, Students and Professionals**due to COVID-19

4/5/20 – Guidance and Federal Guidance

- SED - **Emergency Regulations - Flexibility** and **Presentation Slides**
- US Department of Education – **Streamlined Funding and Flexibilities for States**

3/31/20 - Guidance

- **Special Education Guidance** - During school closures.

3/27/20 - Guidance

- **Request for a Waiver of Assessments** & **"Q&A Document"**
- **WIOA Performance Accountability Provisions - FAQs**

3/23/20 – Guidelines – Revised

- **Adult Education Programs revised guidelines**

3/22/20 – U.S. Department of Education

- **Supplemental Fact Sheet - Addressing Risk of COVID-19 inSchools Serving Children with Disabilities**

3/19/20 – Statement

- **Suspension of Elementary and Intermediate Level State Assessments**

3/18/20 - Guidance

- **District Plans for Childcare, Meals and Instruction**

3/13/20 - Preliminary Guidance
- **Preparation of School Districts for COVID-19 Outbreak**
- **Bureau of Proprietary Schools Supervision**

3/9/20 – Additional Guidance
- SED and DOH issued additional **guidance** for PreK-12 schools

3/2/20 – Higher Education **Update**

Department of Labor (DOL), Empire State Development (ESD) Guidance and Regulations

4/19/20 – Announcements & Updated Guidance
- **Multi-State Task Force on Economic Restart**
- ESD - **Updated Guidance on Essential Business** - Marinas and Boatyards

4/17/20 - Revised Guidance
- ESD - Update to Workforce Reduction Measures - **Golf Courses**

4/10/20 – FAQ
- U.S. Department of Treasury – **Updated Paycheck Protection Program FAQs**

4/9/20 - Guidance
- ESD - **Updated Guidance to Assist Businesses in Determining Whether they are Essential or Non-Essential**

3/25/2020 – Guidance
- **US DOL Guidance on New Federal Sick Leave**

3/23/20 – FAQ Document
- ESD – **Question and Answers Regarding EO #202.8 - Non-essential Services**

3/22/20 – Guidance
- State Liquor Authority - **Restrictions and Allowances for Licensees Regarding To-Go & Delivery Sales**

Additional Resources:
- New York Paid Family Leave COVID-19: **Frequently Asked Questions**
- Small Business Administration (SBA) COVID-19 **Loans**

Mental Hygiene, Office of Children & Family Services (OCFS) and Office of Temporary and Disability Assistance (OTDA) Guidance and Regulations

4/20/20 - OMH Guidance
- **Effective Date of OMH COVID-19 Disaster Emergency Telemental Health and Program Guidance**

4/16/20 - Guidance
- **Program and Billing - Adult Behavioral Health Home and Community Based Services and Recovery Coordination**

4/14/20 – OMH Guidance and CDC Guidance
- Program and Billing Guidance
  - **Assertive Community Treatment Programs**
  - **Adult Continuing Day Treatment Programs**
  - **Children's Day Treatment Programs**
  - **Partial Hospitalization Programs**
  - **Personalized Recovery Oriented Services**

- Documentation Guidance
  - **Adult and Children's Residential Programs**
  - **Children's Residential Treatment Facilities**
  - **Clinic Treatment Programs**
- **Infection Control Guidance - Revised**
- CDC **-** **Supplemental Guidance on Child Care**

4/10/20 – Notice & Guidance

- OTDA - **Notice to All Recipients of Supplemental Nutrition Assistance Program (SNAP)**
- OCFS - **Foster Parent Certification and Reauthorization Guidance**

4/8/20 - Guidance

- OCFS – **Child Care Employment Guidance**
- OCFS – **Mandatory Use of Cloth Masks in the Workplace**
- OCFS- **Domestic Violence Residential Programs: Requesting a Waiver to the Maximum Length of Stay**
- OCFS- **Respite Services: Guidance for 1915(c) Children's Waiver**

4/6/20 – Guidance

- OMH- **OMH PC COVID-19 Screening State PC Admissions Form**
- OTDA - **COVID-19 Emergency Relief - Treatment of Families First Coronavirus Response Act payments for Temporary Assistance (TA), Supplemental Nutrition Assistance Program (SNAP) and the Home Energy Assistance Program (HEAP)**

4/4/20 – Guidance

- OMH - **RTF Provider Treatment Planning Standards During COVID-19 Emergency**

4/1/20 – Guidance

- OTDA **-** **Income Guidelines for Emergency Safety Net Assistance (ESNA) and Emergency Assistance to Needy Families with Children (EAF)**

3/30/20 - FAQ

- OMH – **Supportive Housing FAQ**
- OMH – **Assisted Outpatient Treatment (AOT) FAQ**
- OMH – **Disaster Emergency FAQ**

3/25/20 - Guidance

- OPWDD - **Staff Guidance for the Management of Coronavirus (COVID-19) in Facilities or Programs Operated and/or Certified by OPWDD**

3/24/20 – Guidance

- OPWDD - **COVID-19 Suspension of Community Outings and Home Visits**

QUICK LINKS

NYS Department of Health --- **NYS DOH –Meetings, Hearings & Special Events** --- **Medicaid Redesign Team** --- **Senate Health Committee Website** --- **Assembly Health Committee Updates** --- **NYS Division of Budget**

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