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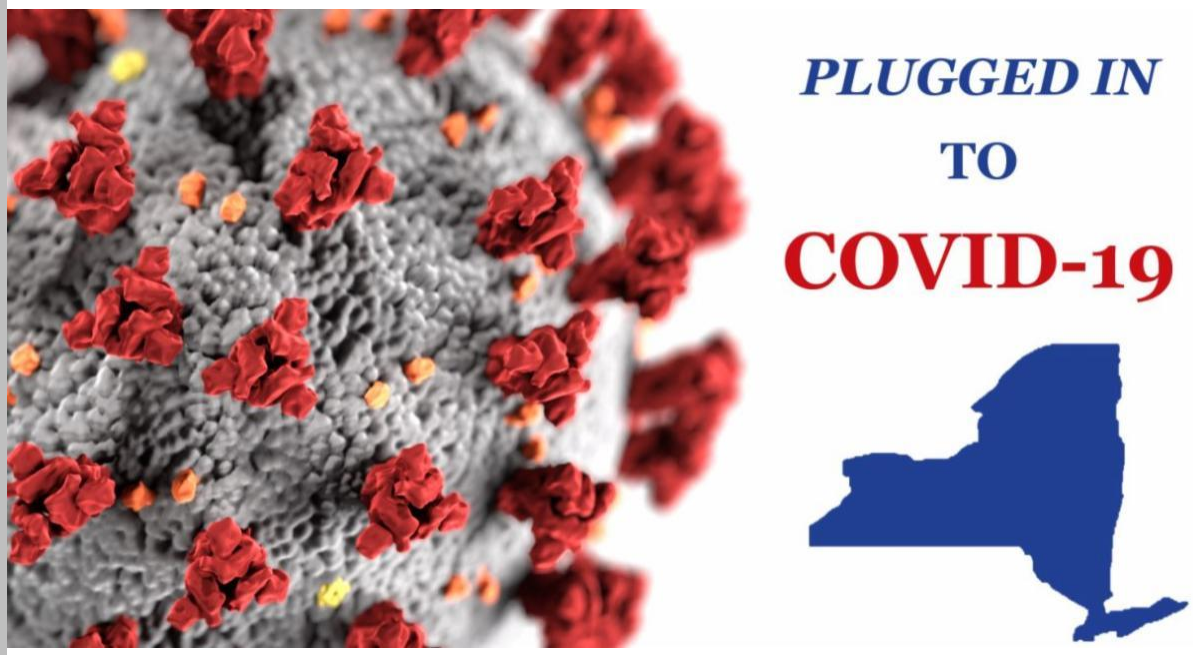

Coverage of State Actions Surrounding COVID-19

February 9, 2021

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Governor's Briefings and Announcements

The Governor held a conference call with members of the media and provided an update on statewide COVID-19 data and activity as of 2/8/2021. The overall statewide positivity rate is 5.12%, and statewide hospitalizations increased by 67, for a total of 7,875 (up 159 from the previous day). ICU admissions associated with COVID-19 total 1,412 (a decrease of 42), of which 971 (an increase of 10) are intubated. The Governor also confirmed that, on the previous day, 138 New Yorkers have passed away as a result of COVID-19.

Overall, more than 2.5 million doses of COVID-19 vaccines have been administered in New York which is about 10% of state residents, of which 92% of the first doses received during Weeks 1-8 have been administered.

After a call with Federal Officials, the governor announced that the federal government will provide another 5% increase in vaccine supply for the next three weeks. Additionally, the federal government will directly distribute additional supply to federally qualified health centers (FQHCs). Questions and discussion continue around the use of excess doses from the long-term care facilities, while the White House is strongly opposed to the use of the second-dose supply. However, there will be an exception for those second-doses which have passed a 42-day holding period, additional details will follow. Approval of the Johnson & Johnson ("J&J") Company's application seeking Emergency Use Authorization (EUA) could greatly impact the vaccine supply to states. The J&J vaccine request will be reviewed by the CDC over the next weeks.

During his Monday **briefing**, the Governor shared that 75% of hospital workers have been vaccinated under Phase 1A, and he reiterated that hospitals will have the remainder of this week (Week 9), before this allocation of vaccines will be reallocated to **individuals, age 16 years and older, with comorbidities**. Starting February 14, this eligible population may make reservations for vaccination appointments on or after February 15th at a State mass vaccination site. The local health departments (LHDs) may also elect to begin scheduling appointments for this prioritized population as early as 2/15, but no earlier.

Individuals with comorbidities seeking a vaccination will be required to present evidence that can validate their eligibility due to a comorbidity, as provided under CDC and NY State guidance - for example, a doctor's letter,

medical information evidencing the comorbidity, etc., or provide a signed certification of eligibility. The Governor also assured that the State will be in communication with the LHDs regarding the validation processes and perform audits of the local validation system to ensure the rules are being followed.

The Governor's plans for the State to reimagine, rebuild and renew its economy will include a platform to accelerate the restoration of culture, arts, and creative energy through a new program called - ***NY PopsUp***. This program will include more than 300 free "pop-up" performances or art events to be held across the state within 100 days. Events will be organized by artists and performers in local communities which will include both in-person and online performances. This program will begin on February 20.

Lastly, the Governor also announced that NYC restaurants will be permitted to re-open for indoor dining at 25% capacity on Friday, February 12, rather than February 14th as originally announced last week. This will allow the restaurants additional time to prepare and work with their staff ahead of the Valentine's Day weekend.

Guidance on COVID-19 Vaccine

The DOH has issued the following updated guidance regarding the NYS Medicaid reimbursement policy for the administration of COVID-19 vaccines.

Updates to the **Coverage Policy and Billing Guidance for the Administration of COVID-19 Vaccines** - This guidance outlines updates to the Medicaid FFS billing instructions and fees for "Qualified Pharmacies" specifically relating to claim submission codes and origin codes when dispensing the COVID-19 vaccine at a point-of-destination (POD) site such as a skilled nursing facility, residential facility, or mobile vaccination site.

NYSED Update on CRSSA Act Funding

The NY State Education Department (NYSED) has issued an **update to a January 15, 2021 memo** regarding the allocation of the Federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act) Funding.

The letter states: ***"...please be advised that, because the 2021-22 Executive Budget proposes to allocate the entirety of the $4 billion***

in Elementary and Secondary School Emergency Relief funds, and $72.8 million in Governor's Emergency Education Relief funds, NYSED will not be able to finalize Local Educational Agency (LEA) specific allocations and application forms until after the 2021-22 state budget is enacted."

To view this guidance, click **here**.

Updated Links and Resources

Hinman Straub Resources:

- COVID-19 Executive Orders Reference Table
- COVID-19 Vaccine Status: 1/23 - 2/8 Update

New York Forward:

- Cluster Action Initiative
- Cluster Zones Maps
- COVID-19 Hot Spot Zones by Address

Department of Health:

- "Am I Eligible?" - Application
- COVID-19 Vaccine
- COVID-19 Vaccine Tracker
- COVID-19 – Phased Distribution of the Vaccine
- COVID-19 Vaccine Information for Providers
- Information for Healthcare Providers
- COVID-19 Travel Advisory

State Education Department

- Coronavirus (COVID-19)
- Guidance for P-12 Schools

"Plugged In To COVID-19" is prepared by Hinman Straub P.C. and is intended to keep our clients informed about news surrounding the COVID-19 public health emergency and State issued guidance and regulatory developments that may affect or otherwise be of interest to them. The comments contained herein do not constitute legal opinion and should not be regarded as a substitute for legal advice. If you prefer not to receive these updates, please alert us so we may remove you from our distribution list.

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