



**The College for Behavioral**

**Health Leadership**

**PROVIDER OBLIGATIONS,  
OPPORTUNITIES AND 'OH NO'S':  
YOUR COVID-19 QUESTIONS ANSWERED**

**APRIL 21, 2020**

Welcome! We will get started momentarily.



**We don't make leaders,  
we make leaders better**

## Our Vision

Leaders are inspired, actively collaborating and using innovative strategies to work effectively with their communities to address behavioral and other complex health needs.

## Our Guiding Principles

- Foster innovation
- Nurture collaboration
- Promote a culture of diversity and inclusion
- Facilitate connections
- Inspire communities to reduce health disparities

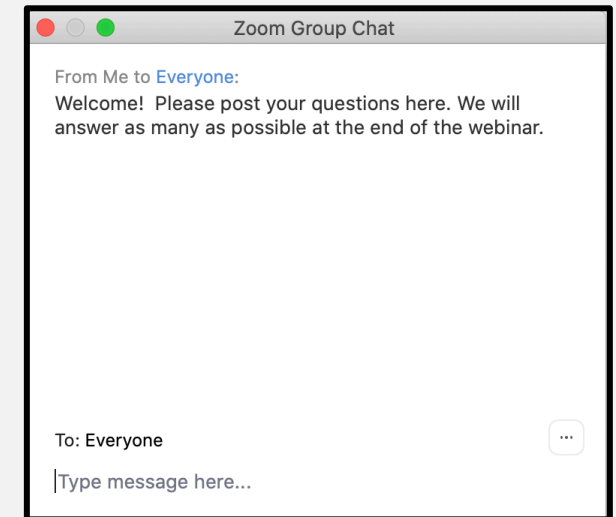
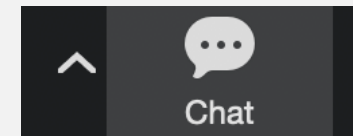
## Our Mission

We provide leaders with the inspiration, tools, knowledge and professional connections to drive transformative change by:

- Seeking out members who bring diversity of thought, leadership experience, training, expertise and multi-sector representation;
- Providing an enriching space to facilitate direct connections, provocative conversations and ongoing collaboration between members;
- Creating an environment that allows for sharing of best practices, resources, experience and lessons learned across all levels of leadership and sectors.

# WELCOME

- We want to hear from you! Share your **questions** via the **chat box** in **ALL CAPS**. We will answer as many as possible at the end of the webinar.



- A **recording** of today's discussion with **materials** will be made available within 48 hours. We'll send you an email once it is online.

# THEMES

## Today's webinar will explore:

- Frequent questions and concerns related to the new laws, programs and regulatory changes;
- General themes related to how States have used the 1135 waiver, and implications for providers;
- An overview of national and state resources and how they can be accessed by providers.

# AGENDA

- 1. Welcome**
- 2. Employer, Business Relief & Provider Obligations, Opportunities & Obstacles**  
*Greg Moore, JD*
- 3. 1135 Waiver Use, Themes, National & State Resources, & Implications for Providers**  
*Ron Manderscheid, PhD*
- 4. Questions and Answers**



***1135 Waiver Use, Themes,  
National & State Resources &  
Implications to Providers***

**Ron Manderscheid, PhD**

National Association of County  
Behavioral Health and Developmental  
Disability Directors

[rmanderscheid@nacbhd.org](mailto:rmanderscheid@nacbhd.org)



***Employer, Business Relief &  
Provider Obligations,  
Opportunities & Obstacles***

**Greg Moore, JD**

Dickinson Wright, Behavioral Health  
Care Practice Group

AVANT Consulting, LLC

[GMoore@dickinson-wright.com](mailto:GMoore@dickinson-wright.com)

## EMPLOYER RE-OPENING – WHAT DO I NEED TO KNOW?

- [Opening Up America Again](#) – **White House & CDC**
  - **Gated Criteria** – Satisfy before moving to 3 Phases of Comeback
    - **Symptoms** – 14-day downward trend in Flu-like and COVID-like syndromic cases
    - **Cases** – 14-day downward trend in documented cases OR downward positive tests as % of total tests (2 ways to do it – flatten positives or increase testing)
    - **Hospital Capacity** – able to treat all non-crisis care AND able to test at-risk workers (including antibody test)



## EMPLOYER RE-OPENING – WHAT DO I NEED TO KNOW?

- **Develop Policies/Procedures** in line with Fed, State and local guidance
  - Distancing and PPE
  - Temperature Checks
  - Sanitation
  - Use and Disinfection of common / high traffic areas
  - Standards for business travel
- **Monitor for symptoms** – Prevent return until cleared by doctor
- **Develop protocol** for Workforce Contact Tracing of + employee

## EMPLOYER RE-OPENING – WHAT DO I NEED TO KNOW ABOUT PHASE I?

- Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.
- If possible, **RETURN TO WORK IN PHASES.**
- Close **COMMON AREAS** where personnel are likely to congregate and interact or enforce strict social distancing protocols.
- Minimize **NON-ESSENTIAL TRAVEL** and adhere to CDC guidelines regarding isolation following travel.
- Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION.**

## EMPLOYER RE-OPENING – WHAT DO I NEED TO KNOW ABOUT PHASE II?

- Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.
- Close **COMMON AREAS** where personnel are likely to congregate and interact or enforce moderate social distancing protocols.
- Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION**.

EMPLOYER RE-OPENING –  
WHAT DO I NEED TO KNOW ABOUT PHASE III?

- Resume **UNRESTRICTED STAFFING** of worksites.

## KEEPING THE WORKPLACE SAFE – ENCOURAGE EMPLOYEES TO...

- **Practice good hygiene**

- Stop handshaking – use other noncontact methods of greeting
- Clean hands at the door and schedule regular hand washing reminders by email
- Create habits and reminders to avoid touching their faces and cover coughs and sneezes
- Disinfect surfaces like doorknobs, tables, desks, and handrails regularly
- Increase ventilation by opening windows or adjusting air conditioning

- **Be careful with meetings and travel**

- Use videoconferencing for meetings when possible
- When not possible, hold meetings in open, well-ventilated spaces
- Consider adjusting or postponing large meetings or gatherings
- Assess the risks of business travel

- **Handle food carefully**

- Limit food sharing
- Strengthen health screening for cafeteria staff and their close contacts
- Ensure cafeteria staff and their close contacts practice strict hygiene

- **Stay home if...**

- They are feeling sick
- They have a sick family member in their home

# PROVIDER RE-OPENING: WHAT DO I NEED TO KNOW

- Use State Executive Order - The Who and When
- [Use CDC Guidance Documents](#) – The How
- [CMS – Re-opening Facilities to Provide Non-emergent Non-COVID-19 Healthcare](#)

## BUSINESS RELIEF – AVAILABLE OPPORTUNITIES

- [Medicare Payment Advance Program](#) – Permits advance of up to 100% of 3-month payment amount. Repayment / recoupment to begin 120 days after payment – continue claim filing which will be offset. Automatic Process. Process is unique to each MAC. See hyperlink.
- [SBA Paycheck Protection Loans](#) – Appropriations dried up. As of this writing 310 billion additional close to happening. WILL ONLY LAST FEW DAYS.
- [SBA Economic Injury Disaster Loans \(EIDL\)](#) -- To overcome temporary loss of revenue. Appropriations dried up. Has an advance component. CARES Act keeps open through 12/31/20.
- [Public Health and Social Services Emergency Fund](#) -- \$100B as a part of CARES Act. HHS distributed \$30B via direct deposit on 4/10. All Medicare Fee For Service providers in 2019 eligible. Requires attestation to terms and conditions (OH NO!) 10 pages – exec comp; gun control; abortion; drugs; porn.

## BUSINESS RELIEF – AVAILABLE OPPORTUNITIES

- **Home & Community based Attendant Services** – CARES Act permits Medicaid Programs to pay for if delivered in Acute Care hospital – assist with ADL in effort to reduce LOS. Identify services in Plan of Care
- **Telehealth Expansion** – Expansion of coverage and reimbursement. Most [common CPT codes](#) for telehealth. Also [a full list of services](#) eligible for telehealth reimbursement (CMS). For most part commercial insurance has followed. (OH NO!) parity violations have increased as opportunity to reduce services (SUD / autism) has become attractive.



## BUSINESS RELIEF – AVAILABLE OPPORTUNITIES – LOSS MITIGATION

- ***Force Majeure Provisions*** – Do they excuse or delay contractual obligations?
- **Business Interruption Insurance** – Should I file a claim? – YES!
  - Lloyd's of London
  - Aspen American Insurance
  - Auto-owners Insurance
  - Society Insurance
  - Oregon Mutual Insurance
  - Topa Insurance Company



***1135 Waiver Use &  
Themes, National &  
State Resources,  
Implications to  
Providers***

**Ron Manderscheid, PhD**

National Association of County  
Behavioral Health and Developmental  
Disability Directors

[rmanderscheid@nacbhd.org](mailto:rmanderscheid@nacbhd.org)

# QUESTIONS

We want to hear from you!

Share your **questions** via

the **chat box**. We will

answer as many as

possible.

# CONTACT INFORMATION

**Holly Salazar**

Director of Operations

*The College for Behavioral Health Leadership*

[hsalazar@leaders4health.org](mailto:hsalazar@leaders4health.org)

**[www.leaders4health.org](http://www.leaders4health.org)**