

Hospice and Palliative Care Resources for the Coronavirus Disease (COVID-19)



NHPCO COVID-19 Update – 04/02/20

NHPCO has created this update for hospice and palliative care providers to share recent news and helpful links.

“You are there for your community. NHPCO is there for you.”

Policy Updates

Paid Leave and Payroll Expense Assistance during COVID-19

NHPCO has prepared information on the Families First Coronavirus Response Act (FFCRA) on paid leave options, as well as new guidance from the Small Business Administration (SBA) on loans available for assistance with payroll expenses. [Download this important tool](#) to get more information about how your organization can apply for a SBA loan.

FFCRA

On April 1, 2020, the Families First Coronavirus Response Act (“FFCRA”) went into effect, requiring employers with under 500 employees to provide emergency sick time and family and medical leave pay to employees who cannot work due to a documented need related to COVID-19 (“Expanded Leave”). However, hospices as employers of health care providers can choose to exempt their employees from Expanded Leave. Hospices may post language informing employees regarding FFCRA. Hospices who choose to exempt employees from Expanded Leave should establish and implement a policy, that is uniformly applied, clearly demonstrating the hospice’s position on who it is exempting from Expanded Leave. NHPCO thanks Husch Blackwell for preparation of a [sample poster](#) with the following sample language:

SAMPLE LANGUAGE FOR POSTING RELATED TO FAMILIES FIRST CORONAVIRUS RESPONSE ACT

April 1, 2020

By law we are required to post the notice of employee rights under the recently-enacted law called the Families First Coronavirus Response Act, or FFCRA. We certainly want you to know and be aware of this law. However, to ensure there is no confusion due to the posting of this notice, we also want to make sure you are aware that health care providers may be exempt from this law.

Pursuant to the FFCRA, “health care providers”, including employees of hospices, may not be entitled to take leave under the FFCRA. Based on the important and essential services that you provide to our patients, you may not be entitled to take leave under this law.

Without the invaluable service that you provide to our patients, we could not properly operate and maintain the outstanding patient service and care that we have an obligation to provide to our community. We sincerely appreciate your dedication and efforts during this challenging time. We will get through this together, and as a team. Please let us know if you have any questions about this new law and how it may apply to you.

Provider Updates

OCR Announces Notification of Enforcement Discretion to Allow Uses and Disclosures of Protected Health Information by Business Associates for Public Health and Health Oversight Activities

In a [notification](#) today, the Office for Civil Rights (OCR) announced, effective immediately, that it will exercise its enforcement discretion and will not impose penalties for violations of certain provisions of the HIPAA Privacy Rule against health care providers or their business associates for the good faith uses and disclosures of protected health information (PHI) by business associates for public health and health oversight activities during the COVID-19 nationwide public health emergency. The HIPAA Privacy Rule already permits covered entities to provide this data, and today's announcement now permits business associates to also share this data without risk of a HIPAA penalty. Roger Severino, OCR Director, stated "granting HIPAA business associates greater freedom to cooperate and exchange information with public health and oversight agencies can help flatten the curve and potentially save lives."

Resources

Link to Recordings and Transcripts of CMS calls with Stakeholders

CMS has been hosting regular calls with a variety of clinicians, hospitals, other facilities, and states in an effort to keep stakeholders updated on their COVID-19 efforts. For those unable to attend, find the [recordings and transcripts](#) on the CMS website.

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