



COVID-19 TASK FORCE

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**Expect
Insights**

April 7, 2020

Health Care Law & COVID-19: Industry Insights

Spilman's COVID-19 Task Force and Health Care Practice Group have developed this e-newsletter to address important issues affecting health care providers and others operating in the health care industry during the COVID-19 pandemic.

As we all know, things are changing day by day. Our goal is to provide the most up-to-date information in a clear and concise format. We strive to be a steady resource available at any time for your questions and strategic planning.

We hope you find this e-newsletter helpful. If there are specific questions or issues you need addressed, please feel free to contact [any member of the practice group](#).

If you feel a colleague should also be receiving our communications, [email us](#).

Thank you.

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COVID-19 Task Force: Health Care Practice Group

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**Stark Blanket Waivers Issued During COVID-19 National
Emergency**

By Brienne T. Marco

On March 30, 2020, the Secretary of the Department of Health and Human Services announced a blanket waiver of sanctions for violations of Section 1877 of the Social Security Act, also known as the physician self-referral law or Stark law. Waivers such as this one may be granted by the Secretary to ensure that during an emergency period, to the maximum extent feasible, sufficient health care items and services are available to meet the needs of individuals enrolled in Medicare, Medicaid and the Children's Health Insurance Program, and that health care providers that furnish such items and services in good faith, but that cannot comply with one or more requirements described in the law, may be reimbursed for such items and services and exempted from sanctions for noncompliance, absent any determination of fraud and abuse.

This article summarizes the key requirements of the Waiver and examples of applications of the Waiver that may help health care providers grappling with the COVID-19 national emergency.

Click [here](#) to read more.

Telehealth and HIPAA Compliance During the COVID-19 Pandemic

By Brienne T. Marco and P. Corey Bonasso

Telehealth is not a new concept, but it has been accelerated to the forefront recently by government mandated social distancing. While all of the "stay-at-home" orders issued across the country to date have included exceptions that permit individuals to leave their homes to seek medical treatment, providers may feel an obligation to offer telehealth services to protect not only their patients, but also the provider's staff, and to support the national effort to "flatten the curve." Telehealth can be a legal and regulatory morass for a provider who has not previously offered telehealth services.

Click [here](#) to read more.

CMS Waivers and Flexibilities

By Brienne T. Marco

In times of emergency, the Secretary of Health and Human Services has authority to issue temporary waivers or modifications of certain Medicare, Medicaid, CHIP, and HIPAA requirements. The Centers for Medicare and Medicaid Services has released a substantial number of waivers in response to the coronavirus national emergency.

Click [here](#) to read more.

Medicare Coverage for Virtual Healthcare Services

By Joseph C. Unger

On March 17, 2020, the Trump administration announced an expansion of Medicare coverage for virtual health services. The Medicare expansion is intended to make medical offices more available to people who need to be seen in-person and to mitigate the spread of the novel Coronavirus. What does this mean for your business?

Click [here](#) to read more.

Big Questions, and Even Bigger Answers, About the Families First Coronavirus Response Act

By **Eric E. Kinder**

When Congress passed the Families First Coronavirus Response Act ("CRA"), it left much for the U.S. Department of Labor to explain. The DOL has published a temporary rule offering its interpretations of the CRA, and the Internal Revenue Service has established a procedure for claiming the tax credits.

Click [here](#) to read some of the most frequently asked questions we've seen from employers as they plan for the future.

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