

# INFORMATION FOR HEALTHCARE & TELEHEALTH PROVIDERS

April 23, 2020

We have created this page in order to provide instant access to the latest news and updates in this area. Please continue also to visit our Coronavirus Resource Center and CARES Act page for news relating to additional topics that may be of interest.

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## Practices & Industries

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## Webinars

- **Untapped Innovation: Using Telehealth to Improve Resident Care & Gain the Edge Over the Competition** May 27, 2020 & June 19, 2020

Join Hodgson Russ attorney Jane Bello Burke for a two-part telehealth webinar hosted by the NYS Health Facilities Association (NYSHFA) and NYS Center for Assisted Living (NYSCAL) on May 27 and June 19. Jane will discuss the future for telehealth in the skilled nursing setting and how to use it to gain the edge over the competition (click here to learn more).

## Alerts

- **New York Expands Healthcare Worker Whistleblower Protections** June 25, 2020

On June 17, 2020, Governor Cuomo signed into law an amendment to the New York healthcare whistleblower law to create a new protected category, “improper quality of workplace safety,” and to expand protected channels to include news and social media outlets for reporting violations of improper quality of patient care or workplace safety. Under the new amendment, healthcare employers cannot take retaliatory action because an employee complains to the press or on social media about workplace conditions that significantly threaten employee health. *Click on the title to read the full alert.*

- **New York Mandates New COVID-19 Testing and Reporting Requirements for Skilled Nursing and Adult Care Facilities** May 11, 2020

As COVID-19-related hospitalizations decline, New York turns its focus to COVID-19 testing for skilled nursing and adult care facility staff, and for residents returning from hospitalization, in an effort to limit the spread of the virus in the long-term care setting. Executive Order 202.30, issued May 10, 2020, mandates that each skilled nursing and adult care facility develop a plan to implement the

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new requirements and to certify their compliance. EO 202.30 also prohibits hospitals from discharging patients to nursing homes unless the patient first tests negative. Here is what you need to know about the new requirements. [Click on the title to read the full alert.](#)

- **New York Issues Updated Guidance Broadly Expanding Medicaid Telehealth** May 6, 2020

On May 1, 2020, the New York State Department of Health issued comprehensive guidance on the use of telehealth, including telephonic services, during the COVID-19 State of Emergency. The updated guidance revises and clarifies the existing rules and provides broad authorization for Medicaid providers to use a wide variety of communication methods, including audio-only telephone, for delivering healthcare services remotely during the Emergency. Here are the top ten things you need to know about New York's Medicaid telehealth policies. [Click on the title to read the full alert.](#)

- **COVID-19 Relief Package 3.5 Adds \$75 Billion to Provider Relief Fund** April 24, 2020

On April 24, 2020, President Trump signed into law the Paycheck Protection Program and Health Care Enhancement Act, the so-called COVID-19 Relief Package 3.5, which increases the resources available to healthcare providers and others under the previously enacted Coronavirus Aid, Relief, and Economic Security Act (CARES Act). This alert summarizes key changes affecting healthcare providers and highlights steps providers should take to comply with the applicable conditions and recordkeeping requirements. [Click on the title to read the full alert.](#)

- **New York Executive Orders Expand the Ranks of Healthcare Providers to Fight COVID-19** April 21, 2020

As New York continues its battle against COVID-19, two new Executive Orders, 202.15 and 202.18, seek to alleviate the burden on healthcare workers by authorizing further expansion in the ranks of professionals who may practice in New York. These new Executive Orders build on prior Executive Orders (202.5, 202.10, 202.11, and 202.14), discussed here, which permit certain practitioners without current New York licensure or registration to practice in New York to assist in the ongoing COVID-19 fight. [Click on the title to read the full alert.](#)

- **Governor Cuomo Orders Reporting Certain Medical Equipment Located in New York State to the Department of Health for Redistribution** April 10, 2020

During a press conference on April 3, 2020, New York Governor Andrew Cuomo announced that the National Guard would be called upon to collect "excess" personal protective equipment ("PPE") and ventilators from hospitals and other institutions for use where they are more urgently needed due to the COVID-19 pandemic. Following significant outcry from politicians across the political spectrum, the Executive Order to implement this policy was delayed. [Click on the title to read the full alert.](#)

- **New York and Federal Lawmakers Ease Professional Practice, Licensing, and Documentation Requirements in Response to COVID-19 Pandemic** April 9, 2020

The rapid spread of the COVID-19 pandemic has highlighted the urgent need to expand the ranks of physicians and practitioners who are available to respond to the emergency. To increase system capacity, New York has temporarily amended or suspended multiple statutory and regulatory provisions affecting practitioners by Executive Order. This alert discusses key provisions. [Click on the title to read the full alert.](#)

- **New York Limits Liability for Health Care Facilities, Professionals, and Volunteer Organizations Arising from the COVID-19 Emergency** April 8, 2020

New York has enacted wide-ranging protection for healthcare facilities, professionals, and volunteer organizations from liabilities arising from the COVID-19 crisis. This alert summarizes the key provisions. [Click on the title to read the full alert.](#)

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- **OCR Eases HIPAA Enforcement for Telehealth Use During Coronavirus Crisis** April 6, 2020  
HIPAA's privacy and security protections are the bedrock of the modern health care system. But now, as COVID-19 spreads across the country, lawmakers and regulators are relaxing certain restrictions on health care providers to meet the challenges posed by this pandemic. *Click on the title to read the full alert.*
- **Temperature Monitoring and Return to Work Protocols in the Healthcare (Non-Telehealth) Setting after a COVID-19 Exposure or Infection** April 2, 2020  
In a March 28, 2020 publication, the New York State Department of Health issued a guidance document entitled: "Health Advisory: Updated Protocols for Personnel in Healthcare and Other Direct Care Settings to Return to Work Following COVID-19 Exposure or Infection." The updated guidance has broad application to healthcare workers beyond hospitals. It applies in "All Healthcare Settings, including but not limited to Hospitals, Long Term Care Facilities (LTCFs), Adult Care Facilities (ACFs), End Stage Renal Disease (ESRD) Facilities, Emergency Medical Services (EMS), Home Care, Outpatient Clinics, and Private Practice that is unable to deliver a service through telehealth and is required to maintain operations." The guidance describes the procedures and circumstances for permitting healthcare personnel to return to work following exposure to a confirmed COVID-19 case, international travel, or confirmed or suspected COVID-19 infection. *Click on the title to read the full alert.*
- **The Top Five Things to Know about Medicare Telehealth under the CARES Act** March 31, 2020  
It took a worldwide pandemic to bring telehealth into the 21st century. Today, the novel Coronavirus COVID-19 is disrupting the traditional model of delivering healthcare to the point where face-to-face visits are no longer tenable, or in many settings not even available. The CARES (Coronavirus Aid, Relief, and Economic Security) Act, enacted March 27, 2020, in large part to stimulate the U.S. economy, is banking on telehealth as a solution.
- **Coronavirus Impact on New York Hospitals and Health Care Workers** March 24, 2020  
This alert summarizes recent developments in New York State that those in the healthcare industry should note as a result of the Coronavirus pandemic, including topics such as access to free testing, required hospital capacity increases, and the need for additional health care workers. *Click on the title to read the full alert.*
- **New York Executive Order Lifts Regulatory Obstacles to Fighting Coronavirus** March 20, 2020  
On March 18, 2020, New York Governor Cuomo issued Executive Order No. 202.5, entitled "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency." This wide-ranging emergency order temporarily suspends or modifies, through April 17, 2020, a host of statutes and regulations in an effort to lift regulatory obstacles and free up resources to address the Coronavirus emergency. *Click on the title to read the full alert.*
- **CMS Expands Use of Telehealth to Address COVID-19 Public Health Emergency** March 18, 2020  
On March 17, 2020, the Centers for Medicare and Medicaid Services (CMS) announced an unprecedented expansion of the use of telecommunications technology to deliver healthcare during the current COVID-19 public health emergency. This expansion builds on the Telehealth Services During Certain Emergency Periods Act of 2020," enacted March 6, 2020 as part of the Coronavirus supplemental appropriations package, a summary of which is available here. In addition, CMS acted pursuant to its emergency authority under Section 1135 of the Social Security Act to waive compliance with certain requirements during the period of a public health emergency. *Click on the title to read the full alert.*
- **Coronavirus Appropriations Act Eases Restrictions on Medicare Telehealth Reimbursement during Emergency** March 9, 2020

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One of the major hurdles to the expansion of telehealth has been the Medicare “originating site” requirement. This requirement limits Medicare telehealth reimbursement to services delivered in a physician’s office or healthcare facility in a rural area, but not in a home or non-rural area. In a shift, the “Telehealth Services During Certain Emergency Periods Act of 2020,” enacted March 6, 2020 as Division B of the Coronavirus supplemental appropriations package, lifts these obstacles during certain public health emergencies. *Click on the title to read the full alert.*

