

COVID-19 / Public Health Emergencies

The COVID-19 pandemic was a seismic event for the health care industry. The upheaval, uncertainty, and unprecedented challenges created by a public health emergency unlike any other stretched the health care system to its limits. From the early days of the pandemic, Hooper, Lundy & Bookman has shepherded providers through the evolving crisis, offering analytical and timely guidance in connection with the whirlwind of federal and state legislation, regulations, and policies that transformed health care provider operations during this period.

As COVID-19 swept across the globe in early 2020, HLB swiftly assembled a multi-disciplinary task force of regulatory, transactional, litigation, and government relations professionals to track the latest developments and deliver current, meaningful, and immediate guidance to health care providers of all types. The task force compiled HLB insights on COVID-19-related topics and developed and continuously updated a robust inventory of federal, state, and national trade association guidance to assist providers in tracking the constantly evolving policies that affected their ability to provide and receive payment for much-needed patient care. Recognizing the urgency and uncertainty caused by the crisis, our professionals were promptly and consistently available to respond to concerns, answer questions, and provide the most up-to-date advice on the myriad issues the pandemic introduced for health care providers.

Because of our depth and breadth of knowledge and experience analyzing complex issues for health care providers, and our understanding of the practical challenges that these providers face, HLB demonstrated a unique ability to provide thoughtful and meaningful advice during the COVID-19 pandemic – and is singularly prepared to address other public health emergencies that may arise in the years ahead.

During the COVID-19 pandemic, HLB advised clients on a broad spectrum of issues, including:

- Financial assistance for providers, including CARES Act stimulus funds, the Paycheck Protection Program (PPP), and Economic Injury Disaster Loans (EIDL)
- COVID-19 public health emergency waivers
- Provider reimbursement and relief under the CARES Act
- Stark Law compliance and Section 1135 waivers
- Business interruption insurance claims, debtor-creditor matters and workouts, and contractual issues (e.g., force majeure, rent abatement)
- COVID-19 coverage and reimbursement issues, including cash price rules for COVID-19 tests and the payment of claims through the HRSA COVID-19 Uninsured Fund
- Expansion of telehealth and related privacy, security, reimbursement, and coverage questions
- EMTALA waiver issues and compliance concerns involving medical screening examinations, temporary sites, and novel triage and care arrangements
- COVID-19 testing cost-sharing waivers
- Hospital presumptive eligibility and Medicaid
- Hospital and skilled nursing facility operations, licensing, and staffing
- Engagement with state and county agencies regarding COVID-19-related challenges
- Audits and investigations relating to federal and state financial support provided during the COVID-19 pandemic
- Masking, testing, and vaccine requirements for health care personnel and visitors to health care facilities
- Individual professional licensing and medical staff issues, including emergency disaster privileges for providers and medical staff

HLB extends its sincere gratitude to the health care community, from individual providers to executives, from staff to administration, for its tireless efforts and unwavering commitment to patient care throughout the COVID-19 pandemic. We

remain prepared to support the industry through the pandemic and its aftermath.