

COVID-19 Legislative Update to PBGH Members

The COVID-19 pandemic is an unprecedented threat to the nation's health and economy. PBGH is committed to supporting our Members' efforts to address immediate health and benefits needs. At the same time, we support federal and state government action to address the threats to public health and the economy. Our policy priorities and positions are focused on steps that will improve the quality and affordability of the U.S. health care system – the core elements of PBGH's mission.

Congress is very close to agreement on a third COVID-19 bill to address the health and economic problems created by the pandemic. The Senate appeared to reach agreement late last night, but a few snags have occurred that are delaying a formal vote today. We anticipate that the Senate will approve the bill shortly, and the House is likely to approve it by unanimous consent. Although it's not a done deal, it's very likely that this bill will be signed into law by the end of the week.

The following is a summary of the key points that are relevant to large employers.

Family & Medical Leave

- The bill does not expand Emergency (paid) FMLA to all employers, regardless of size. As you may recall, the bill passed by Congress last week applied this requirement only to employers with fewer than 500 employees.

Paid Sick Leave

- The bill does not expand two-week mandatory sick leave to all employers, regardless of size. (As with FMLA, the bill passed last week applied this requirement only to employers with fewer than 500 employees.)

Private Health Insurance

- Requires 100% coverage of **preventive services and vaccines** for COVID-19. Although the vaccine is not likely to be available for quite some time, this future cost will be borne by health plans and self-insured employers.
- The bill does not require 100% coverage of all services for the *treatment* of COVID-19. (The bill passed last week does require 100% coverage of testing for COVID-19 by all health plans and self-insured employers.)

Telehealth

- The bill allows pre-deductible coverage of all telehealth services in high-deductible health plans. This expands on the waiver of certain limits on telehealth in Medicare that was included in the first COVID-19 bill

Primary Care

- The final draft of the Senate bill deleted a provision supporting the use of direct primary care models. This had been included in an earlier draft of the Senate bill, and we had advocated for it to be retained.

Consumer Protections

- We had advocated for prohibitions on price gouging and surprise billing for health services, supplies, drugs and equipment related to COVID-19. Although these were included in the House bill earlier this week, they were not included in the final Senate bill. We will continue to fight for these in the next COVID-19 bill, which may come in the next few weeks.

Important reminder: although we believe these key provisions are unlikely to change, the bill has not yet passed the Senate or the House. We will keep you posted if any of these provisions are altered in the last-minute Congressional negotiations.

In the meantime, if you have any questions or comments about the bill or PBGH's policy priorities or positions, please contact Bill Kramer at wkramer@pbgh.org or Shawn Gremminger at sgremminger@pbgh.org