

In This COVID-19 Update:

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CARES Act Provider Relief Fund CHOW FAQs

On May 19, the U.S. Department of Health and Human Services (HHS) posted [four FAQs on Change of Ownership \(CHOW\)](#).

The four CHOW FAQs are:

- Can an organization that sold its only practice or facility under a change in ownership in 2019 and is no longer providing services, accept payment and transfer it to the new owner?
- If the current TIN owner has not yet received any payment from the Provider Relief Fund, it may still receive funds in other distributions. Can a provider that purchased a TIN in 2019 accept a Provider Relief Fund payment from a previous owner and complete the attestation for the Terms and Conditions?
- If, as a result of the sale of a practice/hospital, the TIN that received a General Distribution payment is no longer providing health care services as of January 31, 2020, is it required to return the General Distribution payment?
- How does the organization account for these acquisitions when submitting revenue information in the Payment Portal?

The UnitedHealth Group CARES Provider Hotline has given guidance that does not align with the FAQs. AHCA/NCAL has requested clarification on how to address action steps already taken related to CHOWs based on Hotline Guidance as well as a list of other questions to HHS.

Revised OSHA Policies

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has adopted [revised policies](#) for enforcing OSHA's COVID-19 requirements, which will become effective May 26, 2020. The [previous memorandum](#) will be rescinded.

OSHA is increasing in-person inspections at all types of workplaces. In geographic areas with sustained elevated community transmission or a

resurgence, OSHA will prioritize on-site inspections for high-risk workplaces, such as health care providers treating patients with COVID-19.

OSHA is also revising its previous enforcement policy for recording cases of COVID-19. Under OSHA's recordkeeping requirements, COVID-19 is a recordable illness. Employers are responsible for recording cases of COVID-19 if the case:

- Is confirmed as a COVID-19 illness
- [Is work-related](#)
- Involves one or more of the [general recording criteria](#) such as medical treatment beyond first aid or days away from work.

Under the new policy issued, OSHA will enforce [recordkeeping requirements](#) for employee COVID-19 illnesses for all employers. OSHA acknowledges the difficulty in determining whether a COVID-19 illness is work-related, especially when an employee has experienced potential exposure both in and out of the workplace. OSHA's guidance emphasizes that employers must make reasonable efforts, based on the evidence available to the employer, to determine whether it would be considered work-related.

COVID-19 FAQs Updated: ACO Section

On Friday, May 15, CMS updated its [COVID-19 Frequently Asked Questions \(FAQs\) on Medicare Fee-for-Service \(FFS\) Billing](#). The ACO section included an updated question (pg. 40, question #6) around the length of time a Medicare Shared Savings Program (MSSP) ACO would be responsible for shared losses with the trigger of the Extreme and Uncontrollable Circumstances Policy. CMS' response includes an example and explains that ACOS in performance-based risk tracks for 2020 would only be responsible for incurred losses for the time period prior to or after the COVID-10 Public Health Emergency (PHE). The rest of the FAQs are around the MIPS program and beneficiary notifications. With regards to beneficiary notifications CMS continues to allow notifications through email, secure portal or mail and has relaxed its timely notification policy as long as the beneficiary notification is completed by the end of the performance year.

Please email COVID19@ahca.org for additional questions, or visit ahcancal.org/coronavirus for more information.

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