What you need to know about Federal and State benefits program changes during the Covid-19 Emergency

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Today’s Presentation Will Cover

- Legislative and Executive Authority for Covid-19 Responses
- Delivery of Mental Health Services
- Health Insurance
- HIPAA / 42CFR Part 2
- Social Security
- Housing/Homelessness/Food Assistance
- Unemployment/Leave
- Student Accommodations
- Courts
- Resources
President Trump declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak
March 13, 2020

Emergency Authority. The Secretary of HHS may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the

- Medicare
- Medicaid
- State Children’s Health Insurance (CHIP) programs
- Health Insurance Portability and Accountability Act Privacy Rule (HIPAA) throughout the duration of the public health emergency declared in response to the COVID-19 outbreak
Congressional Action
Emergency Supplemental $8.3 Billion
March 6, 2020

- $2.2 billion in public health funding to support prevention, preparedness and response efforts
- Approximately $3 billion in funding for research and development of coronavirus vaccines and diagnostic tools
- $100 million in supplemental appropriations for Community Health Centers (CHC)
- A provision that waives certain telehealth requirements during the coronavirus public health emergency to allow Medicare providers to administer telehealth services
- $20 million for the Small Business Administration (SBA) to assist businesses affected by the outbreak
Congressional Action
Families First Coronavirus Response Act
March 18, 2020

- Free Coronavirus testing
- Food assistance
- Medicaid FMAP Rates – increased by 6.2 percent
- Unemployment Aid – gives states the resources and flexibility to provide unemployment benefits to laid off and furloughed workers, as well as to those workers who exhaust their allotted paid leave
- Paid Sick and Medical Leave – The bill establishes an Emergency Paid Leave Program
Coronavirus Aid, Relief, and Economic Security Act
March 27, 2020

- Send $1,200 to each American making $75,000 a year or less
- Add $600/week to unemployment benefits for four months
- Give $100 billion to hospitals and health providers and increases Medicare reimbursements for treating coronavirus
- Give $750 million to food banks, to Puerto Rico and the other territories for food assistance, and to programs for food distribution on American Indian reservations
- Make $500 billion of loans or investments to businesses, states and municipalities, and $32 billion in grants to the airline industry
- Relief for those with federally-backed mortgages
- Delay student loan payments
Paycheck Protection Program and Health Care Enhancement Act
April 24, 2020

- An immediate $321 billion infusion for the Paycheck Protection Program
- The small business rescue fund that ran out of money last week, $60 billion in economic disaster loans for small businesses
- $75 billion in emergency relief for hospitals
- $25 billion to ramp up coronavirus testing
Governor Murphy Declares State of Emergency
March 9, 2020

- Public Health Emergency to Strengthen State Preparedness to Contain the Spread of COVID-19
- To take any such emergency measures as necessary to protect the health, safety and welfare of the citizens of the State of New Jersey
- Authorize the executive head of any agency to promulgate rules, to waive, suspend, or modify any existing rule where the enforcement of which would be detrimental to the public welfare during this emergency
- All State agencies are authorized to take appropriate steps to address the public health hazard of COVID-19, including increasing access and eliminating barriers to medical care, while ensuring the continuous delivery of State, county, and municipal services
- Executive Order No. 138 extends all Executive Orders to June 6, 2020
Waivers to Modify the Provision of Services

- As a result of the ongoing Covid-19 public health emergency health care providers are encouraged to provide medical and mental health services via telehealth.

- Health care providers may bill for any Medicaid billable service using the same billing codes and rates that are provided for face-to-face services.

- Allow for waiver or modification of pre-approval requirements to permit services approved to be provided and to continue to be provided through the termination of the public health emergency.

- Psychiatric Screening Services may use telemedicine to perform telescreening evaluations and telepsychiatry evaluations during of the public health emergency.

- Partial Care Providers who continue to provide structured day services (partial care or partial hospitalization) on an individual basis, via telehealth, may bill for those services as a per diem during the COVID-19 state of emergency.

- CMS approves an 1135 waiver to allow facilities, including psychiatric residential treatment facilities (PRTFs) to be fully reimbursed during an emergency evacuation of residents to an unlicensed where the placing facility continues to render services provided that the State makes a reasonable assessment that the facility meets minimum standards.

- CMS approves a waiver under section 1135 granting flexibility to temporarily delay scheduling of Medicaid fair hearings and issuing fair hearings decisions during the emergency period.
Guidelines for all Contracted DMHAS Providers

- Establish communications strategies for contacting consumers/clients/ and families (as appropriate)
- Consider alternate site locations as needed
- Review current staffing to determine essential functions and staff requirements to determine proper qualifications to serve as on-call professionals for programs to remain operational with reduced staff
- Consider any temporary policies to permit staff to work from home for functions that do not require staff on-site presence
- During the Covid-19 emergency providers have the flexibility to use all available and appropriate technologies to deliver telehealth as long as these technologies allow them to meet the standard of care*

*NJ Div. of Consumer Affairs, Telehealth Services during the COVID-19 Pandemic Frequently Asked Questions (FAQs) April 3, 2020
Telehealth during the COVID-19 nationwide public health emergency

- Telehealth is the use of electronic information and telecommunications technologies to support and promote long-distance clinical health care, patient and professional health-related education, and public health and health administration.
- Technologies include videoconferencing, the internet, store-and-forward imaging, streaming media, and landline and wireless communications.
- Providers should always use private locations and patients should not receive telehealth services in public or semi-public settings, absent patient consent or exigent circumstances.
- All services that a covered health care provider, in their professional judgement, believes can be provided through telehealth in the given circumstances of the current emergency are covered including diagnosis or treatment of non-COVID-19 related conditions, such as mental health counseling, or adjustment of prescriptions, among many others.
- Use a “non-public facing” remote communication product, one that as a default, allows only the intended parties to participate in the communication.

Administrative Actions
NJ FamilyCare, the State’s Medicaid program

- Directs NJ FamilyCare, the State’s Medicaid program, to cover testing, visits for testing, and testing-related services without cost to members.
- Directs the waiving of COVID-19 testing, visits for testing, and testing-related services in the Children’s Health Insurance Program (CHIP).
- The NJ FamilyCare program will also cover 90-day supplies of prescriptions for maintenance medications, will encourage providers to use telehealth for routine visits when telehealth options are available, will mobilize health plan care managers statewide to ensure that people who are at high risk due to medical conditions or disability receive the services and support they need.
- Directs hospitals to waive cost sharing for uninsured individuals who are eligible for charity care for medically necessary testing and testing-related services for the COVID-19 virus.
- **No one will lose their Medicaid or Children’s Health Insurance Program (CHIP) coverage during the emergency**, regardless of whether their enrollment was up for annual review. Ongoing eligibility will be reinstated for Medicaid and CHIP enrollees who may have systemically disenrolled at the end of March.
Medicare coverage and payment of virtual services

- Under a new 1135 waiver, Medicare can pay for office, hospital, and other visits furnished via telehealth across the country and including in patient’s places of residence.
- A range of providers, such as doctors, nurse practitioners, clinical psychologists, and licensed clinical social workers, will be able to offer certain telehealth to their patients.
- CMS is now increasing payments for specified E/M telephone encounters to match payments for similar office and outpatient visits.
- Medicare beneficiaries will be able to receive a specific set of services through telehealth including evaluation and management visits (common office visits), mental health counseling and preventive health screenings.
- In the context of hospital and outpatient partial hospitalization programs, individual psychotherapy, patient education, and group psychotherapy can now be billed as telehealth visits, including via audio-only encounters when audio/video technology is not available.
Medicare (cont.)

- The HHS Office of Inspector General (OIG) is providing flexibility for healthcare providers to reduce or waive coinsurance and deductible for telehealth visits paid by federal healthcare programs.

- To the extent the 1135 waiver requires an established relationship, HHS will not conduct audits to ensure that such a prior relationship existed for claims submitted during this public health emergency.

- For VIRTUAL CHECK-INS in all areas (not just rural), established Medicare patients in their home may have a brief communication service with practitioners via a number of communication modalities including a telephone. It is expected that these virtual services will be initiated by the patient.

- E-Visits: established Medicare patients may have non-face-to-face patient-initiated communications with their doctors without going to the doctor’s office by using online patient portals.

HIPAA Privacy and Novel Coronavirus

- On March 17th the Office for Civil Rights (OCR) announced that it will exercise its enforcement discretion and will waive potential penalties for HIPAA violations against health care providers that serve patients through everyday communications technologies during the COVID-19 nationwide public health emergency.

- OCR will not impose penalties for noncompliance with the HIPAA Rules against covered health care providers in connection with the good faith provision of telehealth during the COVID-19 public health emergency.

- Secretary Azar has exercised the authority to waive sanctions and penalties against a covered hospital that does not comply with the following provisions of the HIPAA Privacy Rule: the requirements to obtain a patient's agreement to speak with family members or friends involved in the patient’s care. *

- Regardless of the activation of an emergency waiver, the HIPAA Privacy Rule permits disclosures for treatment purposes and certain disclosures to disaster relief organizations.

CARES Act Makes Significant, Permanent Changes to 42 CFR Part 2

- Allow the disclosing SUD information for treatment, payment, and health care operations (TPO) purposes with a patient’s written consent.
- The CARES Act also states that, once SUD information is disclosed for a TPO reason, the information can then be re-disclosed as permitted by HIPAA.
- Requires entities to “make every reasonable effort to the extent feasible to comply with a patient’s request” to restrict the disclosure.
- The CARES Act also creates a new anti-discrimination provision that prohibits using SUD information to discriminate against individuals relative to health care, employment, access to courts, access to social services benefits, and the sale or rental of housing.
- The CARES Act also states that SUD data cannot be used in various civil, criminal, administrative, or legislative proceedings without a court order or patient consent.
Health Insurance: You may be eligible for free or low-cost coverage through NJ FamilyCare, New Jersey Medicaid

- NJ FamilyCare (Medicaid) can provide free or low cost health insurance for New Jersey residents who are citizens of the United States or Qualified Immigrants.

- Children 18 and under are eligible with higher incomes up to 355% FPL ($7,751/month for a family of four). Children age 18 and under who are lawfully admitted can be eligible even if they have lived in this country fewer than five years.

- Parents/Caretaker Relatives with income up to 138% FPL ($3,013/month for a family of four) must have tax dependent children in their household in order to be eligible under this category. The dependent children in the household must be insured also. Immigrant adults must have Legal Permanent Resident status in the US for at least five years in order to be eligible for NJ FamilyCare.

- Adults without dependent children with ages 19-64 and income up to 138% FPL ($1,468/month for a single person and $1,983/month for a couple). Immigrant adults must have Legal Permanent Resident status in the US for at least five years in order to be eligible for NJ FamilyCare.

- Pregnant Women up to 205% FPL ($4,476/month for a family of four). Pregnant women who are lawfully admitted can be eligible even if they have lived in this country fewer than five years.

- Aged, Blind, Disabled programs including Long Term Care. This includes SSI recipients.
Get Covered New Jersey

If you have lost employer coverage or income, you may be able to enroll in coverage now through a Special Enrollment Period (SEP). Make sure you check with your employer or current health plan first about any options they are providing related to COVID-19.

➢ If you have certain life events such as a birth, marriage, loss of coverage or relocation, you can enroll or change your current coverage through the Marketplace.

➢ If you qualify for an Special Enrollment Period, you usually have up to 60 days following the event to enroll in a plan. If you miss that window, you have to wait until the next Open Enrollment Period to apply.

➢ In New Jersey, an individual earning up to about $49,960 a year and a family of four earning up to about $103,000 a year can qualify for financial help to lower the cost of their plan.

➢ To enroll or make changes through the Marketplace go to Healthcare.gov
Covid-19 Services for Undocumented New Jerseyans

- Testing is limited to individuals who have developed symptoms of COVID-19.
- You can be tested at many public testing sites around New Jersey at no charge to you, regardless of your immigration status or whether you have health insurance.
- Immigration officials have confirmed that testing, treatment, and preventative care related to COVID-19 will not negatively affect an individual's public charge analysis.
Department of Banking and Insurance Bulletin to All Carriers

- Advises carriers to waive all cost sharing for emergency room (in or out of network), urgent care (in network), and office visits (in network) associated with medically necessary screening and testing (in and out of network laboratories) for COVID-19.

- Advises carriers to: keep consumers informed about the waiving of cost sharing and how to access care as necessary; ensure provider networks are adequately prepared to handle a potential increase in need for health services; make timely utilization management determinations.

- Develop robust telehealth programs with providers as appropriate; cover costs of immunization if a vaccine becomes available; expand access to prescription drugs to provide coverage for drugs to treat COVID-19 at a preferred level of cost sharing.

- Pay in-network health professionals at least the same rate for telemedicine services as for in person services, including but not limited to covered mental health and behavioral services.

- Grant any requested in-plan exception for individuals to access out-of-network Telemedicine services when an in-network telehealth provider is not available.
Other Health Coverage Changes

- Hospitals to refrain from imposing cost sharing for uninsured individuals eligible for charity care, for any visit to the hospital, when the purpose of the visit is to be tested for COVID-19
- Hospitals to waive any cost-sharing for COVID-19 laboratory tests for uninsured individuals eligible for charity care
- For the SHBP and SEHBP, all cost sharing for emergency room (in or out of network hospitals), urgent care (in network), or provider office visits (in network) associated with medically necessary testing for COVID-19 are to be waived.
- Pharmacy Benefit Manager to lessen restrictions on early refill for Rx on maintenance medications
- Third-Party Administrator for the SHBP and SEHBP to inform beneficiaries about the availability of telemedicine and telehealth services
- Extra time for participants and beneficiaries of ERISA group health plans to meet certain deadlines affecting COBRA, filing claims and appeals (Disregard March 1 to 60 days after end State of Emergency)
Social Security and Coronavirus (COVID-19)

- Social Security Offices are closed to the public for face-to-face service during the COVID-19 pandemic. You can still get our help by using our online services [www.ssa.gov/onlineservices](http://www.ssa.gov/onlineservices) or calling [Field Office Locations](http://www.ssa.gov/onlineservices) or (800) 772-1213.
- Will not start or complete any medical Continuing Disability Reviews or age 18 redeterminations
- Extending deadlines when possible for documentation or other information to be submitted
- No in-person or video hearings. Holding telephone hearings whenever possible

**Economic Impact Payment (EIP)**

- If you filed a 2019 or 2018 tax return: Your $1,200 economic impact payment (EIP) was or will be sent to the bank account provided on your tax return.
- If you did not file a 2019 or 2018 tax return the IRS plans to use information provided by SSA to help the IRS generate your EIP using the same method (direct deposit, Direct Express, or check) by which your monthly benefit is sent.
Housing/Eviction

- Executive Order No. 106, which states that any lessee, tenant, homeowner or any other person shall not be removed from a residential property as the result of an eviction or foreclosure proceeding.
- Governor Murphy has announced an executive order 128 allowing renters to direct their landlords to use their security deposits to pay their rents, whether that be to make up for a shortfall or to pay it in full.
- The New Jersey Housing and Mortgage Financing Authority (NJHMFA) is suspending all rent increases at all eligible properties within its portfolio (36,000).
- Visit [www.nj.gov/dca/dcaid](http://www.nj.gov/dca/dcaid) to see if you are eligible for any of the state's housing assistance programs.
Rapid Re-housing assistance to individuals and families living on the streets or in emergency shelters (up to 90 days) obtain permanent housing.

- Security Deposit: up to 1 ½ months of rent
- Rental Assistance: up to 12 months
- Utility Deposits: for electric, oil and gas
- Moving Cost Assistance: reasonable moving costs, such as a truck rental, hiring a moving company or short-term storage fees for a maximum of three months or until the program participant is in housing, whichever is shorter.
SNAP - Food Stamps

You can apply online at NJHelps.org or if you do not have a computer, you can apply by phone by calling your local board of social services.

- Simplified Application Process
- Extra SNAP Benefit
- SNAP Work Activities: During the current public health crisis, your case will not be closed if you are unable to participate in a work activity.
- SNAP Recertification Extension: If your case is due to be recertified in March, April or May your case has been granted a six-month extension from the date your recertification is due.
Unemployment Insurance Benefits

To Apply visit [www.myunemployment.nj.gov](http://www.myunemployment.nj.gov)

- Independent contractors, the self-employed, "gig" workers, and those looking for part-time work, are eligible (known as "Pandemic Unemployment Assistance").
- Those who, under normal circumstances, don't have enough work history or who have exhausted regular Unemployment benefits, are eligible (known as "Pandemic Unemployment Assistance").
- Workers who lost employment or hours due to COVID-19. A new law prohibits employers from firing, demoting or otherwise punishing workers if they take time off because they have or are likely to have COVID-19.
- Unemployment Insurance will provide an additional $600 per week, on top of regular and Pandemic Unemployment Assistance benefits through July 25. (known as "Pandemic Unemployment Compensation"). These payments will be issued separately from regular unemployment benefits.
- Unemployment Insurance will give an additional 13 weeks of benefits, for a maximum of up to 39 weeks (60% of average wages, with a maximum of $713/week).
Additional Employment Benefits

Paid by your employer directly

- **NJ Earned Sick Leave** - employers of all sizes must provide full-time, part-time, and temporary employees with up to 40 hours of earned sick leave per year so they can care for themselves or a loved one.
- **Emergency federal paid sick leave and emergency FMLA childcare leave** –
  - Two weeks (up to 80 hours) of paid sick leave at the employee’s regular rate of pay where the employee is unable to work because the employee is and/or experiencing COVID-19 symptoms and seeking a medical diagnosis;
  - or Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee’s regular rate of pay because the employee is unable to work because of a need to care for an individual subject to quarantine or to care for a child.

Require an application to the State of NJ

- **Temporary Disability** - Temporary Disability Insurance provides cash benefits to workers who suffer an illness, injury, or other disability that prevents them from working, and wasn’t caused by their job.
- **Family Leave benefits** provides New Jersey workers cash benefits for up to six weeks to bond with a newborn, newly adopted, newly placed foster child, or to provide care for a seriously ill or injured family member.
New Jersey Specific Guidance
Student Accommodations

- Districts must offer special education services to the most appropriate extent possible while students are away from their schools/programs.

- Districts should talk to parents, who are key members of the IEP team, and help them consider how they may best ensure that students with disabilities have the necessary supports and how students with disabilities will gain equitable access to home instruction.

- IEP teams may need to consider compensatory services when students return to school and IEPs may need to be adjusted accordingly.

- It is the responsibility of the sending district to ensure students with disabilities attending out-of-district placements are provided with instruction during school closures.

- Requiring the execution of a waiver or release of present or future claims as a condition to implement a student’s IEP is prohibited.
Court Operations

The New Jersey Supreme Court on April 24 issued an omnibus order resuming the operations of some courts and extending the deadline for other court sessions and activities.

- Extends to May 31 the suspension of jury trials, landlord/tenant trials and grand jury proceedings.
- Civil commitment hearings already have resumed and will continue. Municipal court sessions will resume on May 11 by video or phone where possible; with consent of the parties.
- Foreclosure motions or judgments received after March 1 will not be reviewed or recommended until further notice. The suspension of evictions of residential tenants continues.
- Civil arbitration and matrimonial early settlement panels to resume on April 27.
- Municipal court sessions can resume on April 27.
NAMI NJ Covid-19 Resources  https://www.naminj.org/covid19/
COVID-19 and Health Insurance FAQs  https://www.state.nj.us/dobi/covid/faq.html
County Welfare Agencies  https://www.nj.gov/humanservices/njsnap/home/cbss.shtml
Filing a Pandemic Unemployment Assistance Claim  https://myunemployment.nj.gov/
Foreclosure, Pre-Foreclosure and Rental Counseling  https://njhousing.gov/foreclosure/
Unemployment and other support programs for workers  www.nj.gov/labor
SNAP, Work First, General Assistance, Family Care/Medicaid  www.NJHelps.org
NJ Mental Health Cares Information & Referral  https://www.njmentalhealthcares.org/
Directory of Mental Health Services  https://www.nj.gov/humanservices/dmhas/home/hotlines/MH_Dir_COMPLETE.pdf
Important Phone Numbers

- Division of Mental Health and Addiction Service (800) 382-6717
- NJMentalHealthCares behavioral health information and referral service 866-202-HELP
- For questions about New Jersey Medicaid, call (800) 356-1561 or your County Welfare Agency
- NJ Family Care (800) 701-0710
- Social Security (See the list of Field Offices) (800) 772-1213
- Foreclosure, Pre-Foreclosure and Rental Counseling (800) NJ-HOUSE
- ReachNJ is a 24-hour-a-day, 7 day-a-week addictions hotline (844)-ReachNJ
NEW JERSEY COVID-19 Information Hub

Covid-19 Information Hub

Call (General COVID-19 Questions): 2-1-1 (24/7)

Call (Medical COVID-19 Questions): 1-800-962-253 (24/7)

Text NJCOVID to 898-211 to receive alerts