
LEGISLATIVE UPDATE

March 23, 2020

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FEDERAL

Congress

On Wednesday, the president signed the second COVID-19 relief package into law. The Families First Coronavirus Response Act ([H.R. 6201](#)). Specifically, the bill provides FY 2020 funding to the Department of Agriculture (USDA) for nutrition and food assistance programs, including SNAP and Women, Infants, and Children (WIC). Supplemental funding was also provided to DHHS for nutrition programs that assist the elderly.

Also, the bill requires a 6.2% increase in states' baseline Federal Matching Assistance Percentage (FMAP). This temporary \$35 billion funding boost to Medicaid will be divided among all 50 states to address immediate public health needs, cover COVID-19 related treatment, and prevent Medicaid cuts. Nebraska is expected to receive \$140 million assuming the increase is in effect through Dec. 31, 2020.

Unemployment benefits, paid sick leave requirements and cost protections for COVID-19 testing for consumers were also included.

Congress is working around the clock to negotiate a third COVID-19 relief package, [preliminary bill language](#) was released over the weekend.

The language includes a \$75 billion Public Health and Social Services Emergency Fund to offset unreimbursed costs associated with the COVID-19 emergency, including health care related expenses or lost revenue, available to Medicare and Medicaid providers. The new language over the weekend more clearly outlines the impact on Medicaid providers, a necessary addition as all previous efforts have been Medicare related. Children's is working with our federal delegation to further strengthen this language to ensure that providers who are focused on prevention and preparation are explicitly included. The preliminary bill also includes a two-year delay to Medicaid DSH cuts.

During this difficult time, it is important that all advocates for children have a collective ask. We must urge Congress to provide additional funding for Medicaid through an FMAP increase. The previous 6.2% will not be enough to cover the strain on providers as they prepare and manage any surge. It is expected that a 12% increase overall is necessary. Additionally, further clarification is necessary that the Public Health and Social Services Emergency Fund should reimburse providers that are involved in prevention and preparation for the COVID-19 pandemic.

Additionally, the Centers for Medicare and Medicaid Services (CMS) continues to offer guidance to states to offer flexibility in response to the pandemic:

- [Telehealth Guidance](#)
- [1135 Waiver Information](#)
- [Financing Options](#)

Children's Hospital Association is creating a document highlighting state's progress of 1135 waiver requests. That document can be found [here](#).

STATE

Nebraska Legislature

The Nebraska Legislature will reconvene on Monday, March 23 at 1:30pm. Speaker Jim Scheer (R-Dist. 9, Norfolk) announced March 20 that senators will meet for three legislative days for the sole purpose of authorizing emergency funding for the COVID-19 response and preparation in Nebraska.

Governor Pete Ricketts (R-NE) has put together a \$83.6 million package, asking lawmakers to allow funding to come from the state's cash reserve. The package will be amended to one of the three existing budget bills ([LB1198](#)), which is already on Select File (2nd round of debate).

Details of that package include:

- **Local Response Efforts- \$38,156,700**
Additional funding for Personal Protective Equipment (PPE) and other supplies to support local health departments.
- **DHHS Staffing- \$4,004,000**
Additional staff and overtime payments are necessary to prepare for the immediate surge and sustained staffing in areas like epidemiology, administrative, emergency procedures and interpreters.
- **Surge staffing for VA and DHHS Care Facilities- \$13 million**
Calculated to cover a surge of 50% in additional staffing needs.
- **UNMC COVID-19 Lab Testing- \$515,000**
Supplements the cost of reagents, laboratory personnel and equipment to conduct testing for the state.
- **Lab Equipment, Software Programming and Personnel- \$2.5 million**
Automated equipment for microbiology and molecular diagnostics dedicated to statewide needs.
- **UV Light Boxes- \$100,000**
Because PPE is scarce, the Governor predicts the need to use UV light to provide tertiary cleaning of N95 respirators for reuse by healthcare workers. UNMC will first determine effectiveness. If validated, protocol will be changed and 100 more will be ordered.
- **Knowledge Center- \$343,900**
Used by stakeholders across the state to develop an interoperable platform for communication, bed tracking, resource sharing, and overall interoperable platform.
- **Ready Reserve- \$25 million**
Unobligated reserve amount in the event additional funds are necessary.

Following adjournment this week, the Legislature will remain postponed until further notice. During this pause in legislative session, senators and their staff continue to work remotely. Once they return to the Capitol, they will have 17 working days to fulfill in the short 60-day session.

If you would like to follow along during session, visit www.nebraskalegislature.gov and livestream debate or public hearings on the NETV app at the bottom of the screen.

(Sources: CHA, AHA, CMS, Nebraskalegislature.gov, Nebraska.gov, Peetz & Co.)