
LEGISLATIVE UPDATE

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Liz Lyons, Director of Advocacy and Government Affairs ext. 4139

FEDERAL

Congress

The House and Senate are both in recess this week.

Over the weekend, President Donald Trump announced an extension of federal guidance on social distancing through the end of April. Trump previously hoped to “open the country” by Easter weekend, however, health officials warn the peak is expected that weekend.

Also over the weekend, Trump signed into law [H.R. 748](#), the *Coronavirus Aid, Relief, and Economic Security (CARES) Act*. The \$2 trillion legislation is the third emergency funding package that has advanced and provides financial relief and resources to individuals, families and businesses affected by the COVID-19 public health emergency. Children’s Hospital & Medical Center (Children’s) has been working diligently with our congressional delegation to ensure Medicaid Disproportionate Share Hospital (DSH) payments cuts were delayed and that funding for Medicaid lost revenue was included with Medicare lost revenue for hospitals- both of which are included in the bill. Overall, hospitals across the nation received \$100 billion to help compensate lost revenue due to cancelled surgeries, added cost for preparedness and treatment of patients and other factors. Over the course of the next four months, Children’s is estimating a decline in revenue through June to impact the budget by \$38 million. While rescheduling most procedures is likely, it will be difficult to recover 100 percent of the lost business. The federal bill will be highly beneficial to our organization and we are grateful to our Congressional leaders in Nebraska for ensuring it was part of the package. Click [here](#) for a summary of all three relief packages.

Vice President Mike Pence is now calling on all hospitals with in-house labs to report daily COVID-19 testing data to Health and Human Services (HHS) as well as daily bed counts with the government. The administration sent a [letter](#) to hospitals on Sunday notifying them of the new guidance.

Nebraska Hospital Association (NHA) is working with the American Hospital Association (AHA) to submit an 1135 waiver request on behalf of all hospitals in Nebraska. More information this week on that effort and what is included. Among the requests from Children’s, the NHA did include the flexibility to bill for critical care in areas of the hospital not designated for acute patients, i.e. the SSU, should we treat any patients who test positive for COVID-19. Click [here](#) for an update on states with approved 1135 state Medicaid waivers.

STATE

Governor Ricketts’ Executive Order

On Friday afternoon, Governor Ricketts announced [Executive Order 20-08](#), which temporarily eases and/or suspends certain licensing and regulatory procedures governing child care. It is intended to make it easier for institutions to set up alternative child care arrangements primarily for working parents in health care, emergency response and other infrastructure-critical roles.

The order also:

- Authorizes the credentialing of retired or inactive health professionals;
- Defers the requirements for healthcare providers to pay initial licensing fees;
- Defers continuing education;

- Waives the restrictions on licensed out-of-state medical professionals working in Nebraska;
- Temporarily suspends the limitations on number of physician assistants that a physician may supervise;

Dr. William McDonnell, Medical Director of Blue Cross and Blue Shield of Nebraska (BCBS), spoke at Friday's press conference about steps BCBS has taken during the COVID-19 outbreak. It was reported that BCBS proactively began to offer free telehealth to members is reimbursing all credentialed providers 100% of costs for all telehealth visits.

With schools adjourned for (likely) the rest of the school year, many efforts are underway to ensure that families and children on free-and-reduced lunch programs at school are receiving 3 full meals a day. Just announced by Nebraska DHHS, the Women, Infant and Children (WIC) program has loosened regulations and now allows WIC appointments to be conducted over the phone, including applying for the program. Other provisions related to food scarcity are included in the drafted 1135 Medicaid waiver by the NHA.

Nebraska Legislature

The Nebraska Legislature convened for three days last week to advance Governor Pete Ricketts' (R-NE) \$83.6 million relief package. The body met briefly each day to unanimously pass the measure, paid for by the state's rainy day fund.

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.

The Legislature will remain at ease until further notice- likely after Nebraska's Primary (May 12). Once they return to the Capitol, they will have 17 working days to fulfill in the short 60-day session.

Governor Ricketts continues to hold daily [press conferences](#) at 2pm CST.. Last week he announced that Nebraska's primary election will not be postponed and polls will be open for in person voting. Not knowing what May will bring, early voting is highly encouraged. A request for a main-in ballot can be made at the [Secretary of State's website](#). The last day to request a ballot is May 1.

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