



Congress Passes Two Coronavirus Laws

Coronavirus Law Requiring Paid Employee Leave approved by the US Senate

On Wednesday, March 18, 2020, the U.S. Senate voted to approve a coronavirus relief bill (the Act) that was passed by the U.S. House of Representatives over the weekend. President Trump is expected to sign the bill into law.

The Act requires employers to provide paid leave for some employees related to the coronavirus (COVID-19) pandemic, among other measures. The Act takes effect no later than 15 days after it is signed by the president.

Emergency Paid Sick Leave

The Act requires two weeks of paid sick leave for government workers and employees of companies with fewer than 500 employees. Leave must be made available immediately to workers who are symptomatic or are under an order or advice to quarantine or self-isolate, who have to care for a family member under such an order or advice, or who have a child whose school or child care facility has closed (or whose child care provider is unavailable) due to the coronavirus.

Emergency Family and Medical Leave Act

The Act provides FMLA rights for some employees of companies with fewer than 500 employees, requiring partially paid leave after 10 days when an employee is unable to work or telework due to school or child care closures related to the coronavirus.

Other Provisions

The Act provides funding for economic assistance and requires health plans to cover COVID-19 testing at no charge. A refundable tax credit for employers that provide paid leave benefits as required by the Act is also included. The U.S. Treasury is expected to use its regulatory authority to advance funds to some small businesses to cover the cost of providing paid sick leave. Emergency leave benefits for workers provided under the Act will expire on December 31, 2020.



Health Plans Must Provide Free Coronavirus (COVID-19) Testing

On March 18, 2020, the U.S. Congress passed its second coronavirus relief measure – [the Families First Coronavirus Response Act \(Act\)](#). Effective immediately, the Act requires group health plans and health insurance issuers to cover COVID-19 testing without imposing any cost sharing (such as deductibles, copayments or coinsurance) or prior authorization or other medical management requirements. President Trump is expected to sign the bill once it reaches his desk.

Coverage Mandate

This coverage mandate applies to the following health plans and issuers, regardless of grandfathered status under the Affordable Care Act (ACA):

- All fully insured group health plans
- All self-insured group health plans
- Health insurance issuers offering group or individual coverage

During this public health emergency, health plans and issuers must cover FDA-approved diagnostic testing products for COVID-19, including any items or services provided during a visit to a provider, urgent care center or emergency room that relate to COVID-19 testing. This coverage cannot be subject to any plan deductible, copayment or coinsurance.

This coverage mandate does NOT require health plans and issuers to cover COVID-19 treatment at no charge. Exact coverage details for COVID-19 treatment, including any cost-sharing amounts, will vary by plan.

Guidance for HDHPs

The IRS has advised that high deductible health plans (HDHPs) can pay for COVID-19 testing and treatment before plan deductibles have been met without jeopardizing their status. According to the IRS, individuals who are participating in these plans may continue to contribute to their HSAs.



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