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Families First Coronavirus Response Act Requires Employer Plans to Provide COVID-19 Test Without Charge

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Following a vote in the US Senate of 90 to 8, President Trump signed into law the Families First Coronavirus Response Act. The Family First Coronavirus Response Act will require all group health plans (fully insured and self-insured) to provide COVID-19 testing to plan participants and their covered beneficiaries without cost sharing (i.e., co-pays, deductibles and coinsurance) and without imposing prior authorization requirements or other medical management requirements.

Covered services will include facility charges (i.e., office visit, urgent care visit, emergency room visit) and the cost of all services (provided in person or by telemedicine) and all items used in administering the COVID-19 test as well as the costs associated with evaluating whether a COVID-19 test is required. The coverage requirements are limited in duration to the period of a national health emergency as declared by the Director of Health and Human Services. Failure to provide these benefits would constitute a violation of Part 7 of the Employee Retirement Income Security Act and other similar benefits laws.

We encourage you to visit Holland & Hart's Coronavirus Resource Site, a consolidated informational resource offering practical guidelines and proactive solutions to help companies protect their business interests and their workforce. The dynamic Resource Site is regularly refreshed with new topics and updates as the COVID-19 outbreak and the legal and regulatory responses continue to evolve. Sign up to receive updates and for upcoming webinars.

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