



Kim Stanger

Partner
208.383.3913
Boise
kcstanger@hollandhart.com

Update to Provider Relief Fund

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Beginning April 10, 2020, HHS began issuing payments to providers eligible to receive a portion of the \$30 billion reserved for the Provider Relief Fund. There have been two important developments this week:

First, HHS has now opened the portal to allow providers to certify their eligibility; it may be accessed at <https://covid19.linkhealth.com/#/step/1>.

Second, HHS has updated the terms and conditions associated with the Provider Relief Fund payments. (See <https://www.hhs.gov/sites/default/files/relief-fund-payment-terms-and-conditions-04132020.pdf>). The revised terms and conditions appear to broaden provider eligibility for the funds.

As originally proposed, the terms and conditions required the Recipient to certify, among other things, that it “**currently provides** diagnoses, testing, or care for individuals with possible or actual cases of COVID-19.” (Emphasis added). The revised terms and conditions require the Recipient to certify that it “**provides or provided after January 31, 2020** diagnoses, testing, or care for individuals with possible or actual cases of COVID-19.” (Emphasis added). This change would appear to expand eligibility for the Provider Relief Fund to entities who are not directly involved in treating COVID-19, and appears to be consistent with the HHS website, which states:

- This quick dispersal of funds will provide relief to both providers in areas heavily impacted by the COVID-19 pandemic and those providers who are struggling to keep their doors open due to healthy patients delaying care and cancelled elective services.
- If you ceased operation as a result of the COVID-19 pandemic, you are still eligible to receive funds so long as you provided diagnoses, testing, or care for individuals with possible or actual cases of COVID-19. Care does not have to be specific to treating COVID-19. HHS broadly views every patient as a possible case of COVID-19.

(<https://www.hhs.gov/provider-relief/index.html>). The terms and conditions still require Recipients to certify that “the Payment will only be used to prevent, prepare for, and respond to coronavirus, and shall reimburse the Recipient only for health care related expenses or lost revenues that are attributable to coronavirus.” (<https://www.hhs.gov/sites/default/files/relief-fund-payment-terms-and-conditions-04132020.pdf>).

Hopefully, HHS will issue further guidance clarifying the requirements, but this modification to the terms and conditions coupled with the information on the HHS website would appear to allow many providers to receive and use the funds even if they are or were not directly responding to COVID-19

cases but suffered losses due to the coronavirus.

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.

For questions regarding this update, please contact:

Kim C. Stanger

Holland & Hart, 800 W Main Street, Suite 1750, Boise, ID 83702

email: kcstanger@hollandhart.com, phone: 208-383-3913

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