

Families First Coronavirus Response Act (H.R.6201)

At-a-Glance



Overview

- **Status:** Enacted March 18, 2020
- **Effective dates:**
 - Mandatory coverage of COVID-19 testing: March 18
 - Paid sick and FMLA leave: April 2



Key provisions

- **Mandatory coverage:** First dollar coverage for COVID-19 testing
- **Emergency paid sick leave**
 - Small employers and all governmental employers
 - All employees
 - Up to 2 weeks of paid sick leave for specified COVID-19 reasons
- **Paid FMLA Public Health Emergency Leave**
 - Small employers and all governmental employers
 - Employees employed more than 30 days
 - If school or child care unavailable due to COVID-1; up to 12 weeks

COVID-19 testing: insurance coverage mandate

Effective immediately

Testing must be covered

- No deductibles, copayments or coinsurance
- No prior authorization or medical management
- Testing in medical office, emergency room and urgent care services
- Includes telehealth visits **for testing**
- Also cover items and services provided during office, urgent care, emergency room to the extent the items and services relate the testing

No mandate to cover COVID-19 *treatment*

Applies to

- **Group health plans**
 - Fully insured
 - Self Insured
- **Health insurance issuers offering individual and group health insurance coverage**
- **Grandfathered plans**

Legislation also includes provisions for Medicare, Medicaid, CHIP and other federal health programs

Emergency Paid Sick Leave

Effective April 2, 2020. *Sunsets* December 31, 2020



Covered employers and employees

- Private employers with fewer than 500 employees*
- All governmental employers, regardless of size
- Any employee, regardless of duration of employment



Uses of leave

- Federal, state or local quarantine or isolation order
- Employee advised to self-quarantine
- Employee experiencing COVID-19 symptoms
- Care for individual subject to isolation or quarantine order or needing diagnosis or care due to symptoms
- School or child care unavailable because of COVID-19
- Other circumstances defined by regulators



Duration of leave and rate of pay

- FT employees: 80 hours; pro-rated for PT employees
- Regular rate of pay (to \$511/day) for federal/state/local order, self-quarantine, employee with symptoms
- Two-thirds regular rate (to \$200/day) to care for family member; school/child care unavailable; other reasons

*No clear guidance on how to determine employer size

Public Health Emergency Leave under FMLA

Effective April 2, 2020. Sunsets December 31, 2020



Covered employers and employees

- Employers with fewer than 500 employees*
- Governmental employers
- Employees employed at least 30 days



Uses of leave

- Care for son or daughter under age 18 if school closed or child care not available due to COVID-19



Duration of leave and rate of pay

- 12 weeks
- 10 days unpaid; employee may substitute paid leave
- Two-thirds regular rate of pay after 10 days (to max \$200/day, \$10,000 aggregate)
- FMLA job and benefit restoration and protection **apply**

**No clear guidance on how to determine employer size*