



This daily summary is designed to be your one-stop-shop for information and reduce the number of emails you receive from IHA. Please make sure to check the action needed section each day. If you'd like others on your staff to be included, please send their names and email addresses to doakes@teamiha.org or forward them this notice and have them click the button at the end.

Thanks for all you are doing!

Reimbursement & Policy

Federal data reporting mandate ~ update

Yesterday, we reported on the new Federal efforts to gather data from hospitals to be reported through NHSN. On today's informational call, IHA staff heard that daily reporting on hospital capacity is voluntary at this point, although strongly encouraged. Based on the presentation and information we are hearing from AHA, we expect this to be mandated in the near future. The CDC has prepared a [resource page](#) on the NHSN reporting module.

Families First Coronavirus Response Act ~ HR guidance

IHA's legal partners at Hawley Troxell provided some employment clarification for hospitals on the Families First Coronavirus Response Act.

Are hospitals required to provide paid leave under the Families First Coronavirus Response Act ("FFCRA")? Short Answer: If the hospital is a County, District, or State hospital then both the Emergency Family and Medical Leave Expansion Act ("E-FMLA") and Emergency Paid Sick Leave Act ("EPSLA") apply and the hospital will be a covered employer. If the hospital is a private entity (including non-profits), then the acts only apply if the hospital employs less than 500 employees. That being said, under recent Department of Labor guidelines, anyone employed at a hospital may be excluded from paid leave benefits provided under the E-FMLA and EPSLA at the election of the hospital.

All Hospitals other than Private Hospitals with Over 500 Employees Are "Covered Employers" under the FFCRA

The FFCRA requires "covered employers" to provide employees with (1) up to two weeks of Emergency Paid Sick Leave for employees who are unable to work (or telework) for specified reasons related to COVID-19; and (2) up to twelve weeks of Expanded FMLA leave for employees who are unable to work (or telework) because they must care for a child under 18 years of age whose school or care provider is closed.

"Covered employers" include private companies with less than 500 employees, and all "public agency" employers, regardless of size. Any County, District or State hospital is considered a public agency. Accordingly, any County, District or State hospital, regardless of size, is a "covered employer" under the FFCRA, as is any private hospital with less than 500 employees.

Hospitals that are covered employers (essentially all hospitals other than private hospitals with over 500 employees) should post at their worksites the [poster issued by the Department of Labor](#).

Health Care Worker Exclusion - Unlike non-healthcare employers, hospitals have a lot of flexibility on whether they will choose to grant paid leave. Both the E-FMLA and the EPSLA contain provisions that allow an employer to exclude "health care providers" from the paid leave provisions of the E-FMLA and the EPSLA. Recent Department of Labor guidance has defined a "health care provider" who may be excluded by their employer from Emergency Paid Sick Leave and/or Expanded FMLA as:

[A]nyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity.

This is a broad definition as it includes "anyone employed at any . . . hospital." Therefore, a hospital that would otherwise be covered by the E-FMLA or EPSLA as described above may, at its election, exclude all of its employees from the paid leave provisions of the E-FMLA and EPSLA. Alternatively, the Department of Labor guidance explains that a hospital can exclude its employees on a "case-by-case basis." Thus, unlike most covered employers, hospitals have discretion to determine the circumstances under which they will pay Emergency Paid Sick Leave or Expanded FMLA Leave. That being said, the Department of Labor "encourages employers to be judicious when using this definition to exempt health care providers from the provisions of the FFCRA."

Resources & Equipment

Nursing Licensure

Yesterday, the Idaho Board of Nursing provided [updated guidance](#) on how they will process nurse licenses in non-compact states, single state licenses from compact states, and those applying through the Nurse Apprentice and New Graduate Temporary License programs. This guidance works in concert with the [original licensing memo](#). For more information visit the [Idaho Board of Nursing](#) or contact [Sarah Phipps](#) (208.577.2479).

COVID-19 tabletop exercises

HHS has developed two COVID-19 tabletop exercises:

Fatality Management Tabletop Exercise and Situation Manual

Designed for use by government, private sector, and nonprofit organizations, this exercise toolkit includes a [Situational Manual](#) and [PowerPoint](#). The Situation Manual provides exercise participants with a hypothetical scenario and discussion questions regarding: coordination of fatality management operations; information collection and reporting; legal and regulatory considerations; supply chains and resource management; infection control; continuity of operations; mental and behavioral health services; and public messaging and risk communications. The accompanying slide deck can be customized and provides an overview of the scenario to set the stage for discussion.

Pandemic Contagion Private Sector Tabletop Exercise Materials

This tabletop exercise is designed for the private sector, including owners/operators, company legal counsel, communication teams, Human Resources, and other key company leadership. This [document](#) includes links to all the materials needed to carry out this exercise.

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