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# NATIONAL COUNCIL FOR BEHAVIORAL HEALTH

Early this morning, the Senate approved its latest coronavirus stimulus package. The measure passed 96-0 and now heads to the House where a vote is expected on Friday. Below is our updated summary from last night, confirming changes and provisions in the final version.

National Council will continue updating its members as this legislation moves through the Senate, House and then on to the President to become law. Stay tuned for more information and don't hesitate to let us know if you have questions.

## **APPROPRIATIONS:**

The final Senate package includes new funding for health care providers to address the impact of COVID-

19. These include:

- **SAMHSA: \$425 Million Emergency Allocation:** This includes \$250 million that the National Council requested be available for all community behavioral health organizations;
- \$50 million for suicide prevention programs; \$100 million for SAMHSA programs generally, and \$15 million for tribes. Full details on how the funds will be distributed are not yet available.
- **Coronavirus Relief Fund: \$150 billion** for states and local governments covering expenditures due to COVID-19. Each state will receive a minimum of \$1.25 billion.
- **Public Health and Social Services Emergency Fund: \$100 billion** in direct aid to health care institutions on the front line of the crisis - Per our reading of this line item, National Council members are eligible to receive funds from this allocation, at the discretion of the HHS Secretary.
- **Small Business Administration Disaster Loans Program: \$560 billion** to support businesses with under 500 employees that need financial support. In the final version, nonprofits receiving

Medicaid payments are INCLUDED as eligible recipients of these important loans.

- **Childcare Development Block Grant Childcare: \$3.5 billion** to childcare assistance for essential workers which may include behavioral health providers. This is determined at the state level.
- **Distance Learning, Telemedicine, and Broadband Program: \$25 million** to improve distance learning and telemedicine in rural America. Includes additional **\$100 million** funds to increase broadband access.
- **Administration for Community Living: \$955 million** to support nutrition programs, home and community-based services, and protections for people living with disabilities.

#### **POLICY CHANGES:**

The package also includes many policy changes designed to support employers and expand access to care. The National Council continues to analyze these sections and will provide further updates.

- **Provisions for Employers:**
  - Emergency Unemployment Relief for Governmental Entities and Nonprofit Organizations provides payment to states to reimburse nonprofits, government agencies, and Indian tribes for half of the costs they incur through December 31, 2020 to pay unemployment benefits.
  - Pandemic Emergency Unemployment Compensation provides an additional 13 weeks of unemployment benefits through December 31, 2020 to help those who remain unemployed after weeks of state unemployment benefits are no longer available.
  - Allows employers and self-employed individuals to defer payment of the employer share of the Social Security tax they otherwise are responsible for paying to the federal government with respect to their employees. Employers generally are responsible for paying a 6.2-percent Social Security tax on employee wages. The provision requires that the deferred employment tax be paid over the following two years, with half of the amount required to be paid by

December 31, 2021 and the other half by December 31, 2022.

- Employer shall not be required to pay more than \$200 per day and \$10,000 in the aggregate for each employee under FMLA
- Employer shall not be required to pay more than \$511 per day and \$5,110 in the aggregate for sick leave or more than \$200 per day and \$2,000 in the aggregate to care for a quarantined individual or child for each employee under paid sick leave provisions
- Allows employers to receive an advance tax credit from Treasury instead of having to be reimbursed on the back end
- Short-Time Compensation Programs provides funding to support existing “short- time compensation” programs, where employers reduce employee hours instead of laying off workers and the employees with reduced hours receive a pro-rated unemployment benefit. The federal government would pay 100 percent of the costs they incur in providing this short-time compensation through December 31, 2020. The legislation also provides \$100 million in grants to states that enact “short-time compensation” programs to help them implement and administer these programs.
- **Modification of Limitations on Charitable Contributions**  
**During 2020:** Increases the limitations on deductions for charitable contributions by individuals who itemize, as well as corporations. For individuals, the 50-percent of adjusted gross income limitation is suspended for 2020. For corporations, the 10-percent limitation is increased to 25 percent of taxable income. This provision also increases the limitation on deductions for contributions of food inventory from 15 percent to 25 percent. Additionally, the legislation permits individuals to deduct up to \$300 of charitable cash contributions, whether they itemize their deductions or not.
- **Clarification on COVID Coverage via Medicaid:** The final version includes language clarifying that individuals with Medicaid benefits that are not considered minimum essential coverage will still be eligible to get coverage for

COVID-19-related expenses. **Flexibility for Members of National Health Service Corps During National Emergency:** Provides flexibility in the site of service locations for NHSC participants. **Confidentiality and Disclosure of SUD Records and Guidance on Protected Health Information:** Modifications have been made to 42 CFR Part 2 protecting SUD records. These records may now be shared with prior written consent; once consent is obtained, it is permissible for patient consent to be given once for all future uses for treatment, payment and health care operations.

- **Extension and 2-State Expansion of CCBHCs:** The text includes: Extension of current demonstration through Nov. 30, 2020.
- Expansion of demonstration to two additional states within 6 months. The two states shall be selected based on the applications previously submitted to SAMHSA— essentially, allowing the two states that would have been next in line to participate without submission of any additional application materials. An enhanced federal match rate is available for the first 8 quarters of the demonstration for new states, and for the 8 quarters beginning 1/1/2020 for the eight current demonstration states.

**WHAT’S NOT IN THE BILL:**

**“Distant Site” fix:** Community behavioral health organizations were not included in the “distant site” fix that would allow FQHCs and rural health centers to serve as distant locations for Medicare telehealth. The National Council will continue working to advocate for this fix in future COVID response packages.

