



# COVID-19 Q&A: BENEFITS AND TELEMEDICINE

Webinar held March 19, 2020. FAQ up to date as of March 30, 2020.

Question	Answer
<b>Are we required by law to waive telehealth consult fees for COVID-19 reasons?</b>	Yes, as long as it is for diagnosis or referral for COVID-19.
<b>Can normal cost share still apply for treatment of COVID-19, such as hospitalization?</b>	Yes; however, some states are mandating fully-insured group health plans (and individual plans) cover COVID-19 treatment as well as testing.
<b>How is it suggested to handle the Employee Portion of monthly premiums when on furlough? How do we get that money from them – accrue until we rehire? What if we do not rehire?</b>	An employer can set up a repayment agreement for employees that return to work or ask employees to send in checks/money to pay for their portion. The employer can also cover the entire cost without being repaid. Counsel should be consulted if repayment is wanted.
<b>Is ACA provision re: stability/measurement periods only for variable hour employees or all employees?</b>	Any employee that is not hired on as full-time (working 30 or more hours per week).
<b>Effective date of free COVID-19 testing? Is this retroactive?</b>	Under federal regulations, April 2; however, many states have already mandated free testing earlier in March.
<b>With the IRS not making exceptions at this time, assuming no change to FSA standard claim rules? A client asked if they would be lenient on claims incurred after the end of the plan year (ends 4/30/20). Assuming no.</b>	That is correct.
<b>How many times do we have to provide/pay for testing?</b>	No limits are given in the law.

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<p><b>Looking for more details, what does free testing mean as it relates to self insured... Who is paying that claim, the client? Some TPAs still haven't communicated it HAS to be at no cost</b></p>	<p>Whoever pays for the claims pay for the testing. No cost-sharing is allowed to be applied, even for self-funded plans.</p>
<p><b>Does the employer/carrier requirement to provide testing and treatment also extend to the cost for the office visit?</b></p>	<p>Yes, as long as it is related to the COVID-19 testing. As for treatment, state law should be reviewed.</p>
<p><b>You indicated that if employees are in safe harbor an employer may need to keep them on benefits, but if their employment has been terminated carriers will generally not allow them to stay on as actives but rather must be in COBRA status. How to resolve?</b></p>	<p>You can speak with the carrier to determine if they will allow maintaining benefits as long as premiums are paid.</p>
<p><b>Regarding dependent care FSA waivers, do we require supporting documentation that the school/daycare is closed and what is our responsibility to ensure employees start their DC contributions again once the schools/daycares re-open?</b></p>	<p>It is not your responsibility to inform employees that they need to start DCAP contributions again. If they experience a change in cost, it may be allowed. As for changing the contribution, the date the school or day care closed is likely the qualifying event date.</p>
<p><b>Can employers that furlough employees extend regular benefits (not COBRA) and pay for the benefits for their employees? Less than 25 employees.</b></p>	<p>The carrier should be contacted, as stated above.</p>
<p><b>When talking about furlough vs layoffs, it was mentioned that the individual, if furloughed, will be an employee and will continue on benefits....I am a little confused, if you are employed and continuing with benefits, why would you offer COBRA?</b></p>	<p>A furlough is generally treated as a reduction in hours, based on what the plan document states. Reduction in hours is COBRA qualifying event.</p>
<p><b>If an employee is not working but still employed, how can the employer collect benefit premiums?</b></p>	<p>The employer could set-up a repayment agreement for when the employee returns to work and is being paid. Counsel should be consulted in writing this agreement. The employer could also request checks be sent. Likewise, if the employee is being paid, the employer can remit the premium from the paycheck like it normally would.</p>

Question	Answer
<b>Did I hear that free testing for COVID-19 under insurance is now required by law even for self-insured plans?</b>	Yes.
<b>Would LOVE some further details on the COBRA non affordable and the penalty. It was briefly mentioned, but would like more details.</b>	See above and other answers regarding employees on stability periods.
<b>Is the employer REQUIRED to keep employees on the health plan once they are on furloughs or laid off? Or would COBRA be in effect?</b>	No. An employer should offer COBRA if an employee experiences a reduction in hours and is no longer meeting hourly eligibility requirements or if the employee is terminated.

*Questions that required attorney-client privilege, required additional facts to answer, or were highly dependent on state and local laws were unable to be answered in this FAQ.*

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