The COVID-19 pandemic has created unprecedented challenges for healthcare providers and health insurers. The following is a selection of federal and state actions as well as news and analysis articles from the Health Policy Tracking Service as published in its bi-weekly Snapshots. The selection includes Regulatory Intelligence and Reuters news coverage. More COVID-19 news and information can be found via the TRRI platform's search facility.

Additional COVID-19 resources are also available on the Thomson Reuters COVID-19 Resource Center. For a regularly updated list of U.S. state updates on insurance-sector regulatory changes related to the COVID-19 epidemic, please click on this link: http://go-ri.tr.com/fuaD4N.

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STATE ACTIONS

California
➢ 2021 CA S.B. 242 (NS), amended/substituted March 15, relating to health care provider reimbursements, and declaring the urgency thereof, to take effect immediately.
➢ 2021 CA A.B. 1064 (NS), amended/substituted March 15, relating to pharmacy practice: vaccines: independent initiation and administration.

Connecticut
2021 CT H.B. 6636 (NS), introduced March 16, to expand access to care under the Medicaid program by using enhanced federal matching funds provided to states during the COVID-19 pandemic to increase Medicaid provider rates.

Oregon
Due to the extraordinary expenses incurred as a result of the COVID-19 crisis, the Legislature and the Executive Branch authorized a five percent rate increase for nursing
facilities effective January 1, 2021 thru June 30, 2021. The Department is amending OAR chapter 411, division 070 to increase rates to assist with extraordinary business costs associated with the COVID-19 pandemic. See 2021 OR REG TEXT 578847 (NS).

Vermont
2021 VT S.B. 117 (NS), engrossed March 12, elating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone.

Washington
- The department is enacting WAC 388-845-2019 on an emergency basis to make temporary modifications to developmental disabilities administration's (DDA) home and community based services (HCBS) waivers in order to control the spread of the COVID-19 virus and meet immediate health and safety needs. This is the fourth emergency filing on WAC 388-845-2019, and the language in this fourth filing is identical to that of the third emergency filed as WSR 20-22-035. See 2021 WA REG TEXT 552057 (NS).
- WAC 246-335-510 Definitions - Home health, the department of health adopted amendments to WAC 246-335-510(3) to add physician assistants to the list of practitioners authorized to order home health services and to sign plans of care. See 2021 WA REG TEXT 571488 (NS).
- The health care authority (HCA) intends to submit Medicaid SPA 21-0008 to implement policies and procedures that may be different from the policies and procedures otherwise applied under the Medicaid state plan, during the period of the presidential and secretarial emergency declarations related to the COVID-19 outbreak. SPA 21-0008 addresses fees for administering COVID vaccines. See 2021 WA REG TEXT 579239 (NS).
- The health care authority (HCA) intends to submit Medicaid SPA 21-0012 to implement policies and procedures that may be different from the policies and procedures otherwise applied under the Medicaid state plan, during the period of the presidential and secretarial emergency declarations related to the COVID-19 outbreak. SPA 21-0012 allows Washington Medicaid the flexibility to automatically enroll COVID-19 vaccine administration providers who have already completed Medicare application processes for participation. See 2021 WA REG TEXT 579261 (NS).
- The health care authority (HCA) intends to submit Medicaid SPA 21-0012 to implement policies and procedures that may be different from the policies and procedures otherwise applied under the Medicaid state plan, during the period of the presidential and secretarial emergency declarations related to the COVID-19 outbreak. SPA 21-0012 allows Washington Medicaid the flexibility to automatically enroll COVID-19 vaccine administration providers who have already completed Medicare application processes for participation. See 2021 WA REG TEXT 579268 (NS).

Wisconsin
2021 WI S.B. 202 (NS), introduced March 12, state response to COVID-19 related to health services and practice of health care providers licensed outside of this state.
REGULATORY INTELLIGENCE AND REUTERS NEWS

U.S. Health Insurers Seek Bigger Role in Vaccine Rollout
(Regulatory Intelligence) - U.S. health insurers say they are eager to work more closely with the federal government to ensure a smoother, equitable vaccine rollout by leveraging the data on their enrollees’ health conditions. Insurers say they could use their resources to encourage more people to receive the vaccine, a problem in some sections of the population with limited access or knowledge about the vaccine. Dr. Anthony Fauci, the nation’s top epidemiologist, and President Joe Biden have both recognized hesitancy in some parts of the population as a problem.

Federal and state governments had called on health insurers to play a larger role during the pandemic supporting COVID-19 testing and treatment claims. Insurers, however, say they have been given a small role to play in vaccine distribution as the federal government’s purchase of vaccines only left a small administrative cost to be covered by insurers. Members of America’s Health Insurance Plans (AHIP) and Blue Cross Blue Shield Association (BCBSA) this month formed an initiative called "Vaccine Community Connectors" to enable the vaccination of 2 million seniors in the country’s vulnerable and underserved communities.²

AHIP on Tuesday published a list of ways individual insurance companies are assisting the vaccination push, including steps such as waiving deductibles or copays and financing public awareness campaigns.

Insurance industry leaders also are calling on state and local authorities to draw on the capabilities of private insurers to ensure equitable vaccine distribution. Insurers believe their data on consumers’ health conditions and location can be used to reach out to seniors, members of minority communities, and other parts of the vulnerable population with access to help and education on vaccine efficacy. “We have such a great infrastructure in the industry that is built over the years, from the ability for us to reach out and engage with people, to help them in educating them and supporting them in the decision to do that,” said Bruce Broussard, Chief Executive of Humana. Insurers believe they have the ability to coordinate the vaccination by locating and scheduling a shot and then following up on the patient to ensure they get a booster dose as part of their care coordination. “We can be very pointed in where we go because of the data analytics and because of what we know about our members. That [insurance] card that individuals carry around is a very powerful information source,” Broussard added.

Senate Confirms Becerra to Cabinet Role as U.S. Health Secretary
(Regulatory Intelligence) - Xavier Becerra won confirmation by the U.S. Senate on Thursday as Health and Human Services Secretary in President Joe Biden’s cabinet. Coming from his position as California attorney general, Becerra will be faced with the task of leading the federal response to the COVID-19 pandemic, managing the Affordable Care Act through a pending U.S. Supreme Court decision, and taking care of unaccompanied minors at the southern border.³

A narrow Senate vote of 50-49 confirmed Becerra's nomination. His new department which oversees the Centers for Medicare and Medicaid Services (CMS), Centers for Disease Control

² Antonita Madonna, U.S. health insurers seek bigger role in vaccine rollout, Thomson Reuters Regulatory Intelligence (March 18, 2021) at http://go-ri.tr.com/GUYLQ.
³ Antonita Madonna, Senate confirms Becerra to cabinet role as U.S. health secretary, Thomson Reuters Regulatory Intelligence (March 19, 2021) at http://go-ri.tr.com/nZTMFK.
and Prevention (CDC) and the Food and Drug Administration (FDA), among others. He stepped down as attorney general on Thursday evening to become the first Latino to assume the new role.

The new HHS chief would have had his agenda full even without the pandemic, ACA threat, or border crisis. The Biden administration wants to reverse several health coverage policy decisions of the past administration, expand the ACA's protections, end disparities in healthcare protections, tackle the opioid crisis, and cushion the impact of skyrocketing healthcare costs. The Supreme Court is expected to rule by June on a case seeking to invalidate the Affordable Care Act. The case argues that the earlier repeal of a tax penalty for people who do not obtain insurance renders the whole program unconstitutional. Most analysts interpreted the court's oral arguments on the case in November as indicating it would not invalidate the entire act. Becerra led a group of Democratic state attorneys general in supporting the act in that case.

Becerra’s nomination met criticisms, led by conservatives, over his relative lack of experience in public health, advocacy of abortion rights, and support for universal healthcare. Some conservatives labeled him as an opponent of religious rights and accused him of suing the Roman Catholic charity Little Sisters of the Poor in a case he filed against former President Donald Trump's administration over employers’ healthcare obligations. The group of nuns had joined the case on the administration's side after the original filing, his supporters have repeatedly sought to clarify.

Becerra has also been accused of excessive partisanship by Senate Minority Leader Mitch McConnell and other Republicans for suing the Trump administration more than 100 times during its term in the White House. He later won the support of Republican Senator Susan Collins and some Republican state attorneys general who described Becerra as respectful of all viewpoints, accessible, and collaborative at work.

Becerra will be closely watched for the smooth roll out of the vaccination drive, ability to make ACA provisions more accessible, equitable and affordable, expansion of Medicaid in states, and ability to secure equitable healthcare protections for women and LGBTQ members. He will also be responsible for implementing Biden’s proposed public option, an unlikely target in the next two years.

The healthcare industry has supported Becerra’s nomination. “His leadership will be tested early as he arrives amid a pandemic and challenges to the Affordable Care Act,” the American Medical Association said. "The AMA believes he is the right person for the job.”

America’s Health Insurance Plans, a group of health insurers said, Becerra has exhibited “unceasing dedication to protecting the health and wellbeing of all Americans” and that he “will provide the strong leadership” the country needs to overcome the COVID-19 crisis.