



## SUMMARY OF CARES ACT

### Title I – Keeping American Workers Paid and Employed Act

- Paycheck Protection Program
  - The Paycheck Protection Loan Program covers the period February 15, 2020 through June 30, 2020, expanding SBA loan eligibility. The loan program allows businesses suffering due to the coronavirus outbreak to borrow money for a variety of qualified costs related to employee compensation and benefits, including (i) payroll costs, (ii) continuation of health care benefits, (iii) employee compensation (of those making less than \$100K), and for (iv) mortgage interest obligations, (v) rent, (vi) utilities and (vii) interest on debt incurred before the covered period.
  - The legislation greatly expands the number of businesses (including non-profits) that are eligible for SBA loans and raises the maximum amount for such a loan by 2.5 x the average total monthly payroll costs, up to \$10 million. The interest rate may not to exceed 4%.
  - Companies that employ no more than 500 employees (or a greater number based on the size standard applicable to the industry) may be eligible. Certain companies in the Accommodation and Food Services Industry (NAICS Code 72) may be eligible if they have no more than 500 employees per physical location. In most cases, the number of employees is counted together with all affiliates.
  - Waives existing “affiliation” rules under 13 C.F.R. 121.103 for any business with less than 500 employees in the Accommodation and Food Services Industry, certain franchise businesses and small businesses that receive financing through the Small Business Investment Company Act. Affiliation rules otherwise apply to determine eligibility.
  - Waives the credit available elsewhere, personal guaranty and collateral requirements.

- For eligibility purposes, lenders will determine whether a business was operational on February 15, 2020, and had employees for whom it paid salaries and payroll taxes, or a paid independent contractor. (Repayment ability determination likely eliminated because not possible during the crisis.)
- Debt service payments may be deferred for up to 1 year.
- Entrepreneurial Development
  - Provides funding to educate small businesses and their employees regarding (i) Federal resources available during this time, (ii) Hazards of COVID-19 and (iii) best practices around teleworking to prevent the spread of COVID-19.
- State Trade Expansion Program
  - Allows for federal grant funds appropriated to support the State Trade Expansion Program (STEP) in FY 2018 and FY 2019 to remain available for use through FY 2021.
- Waiver of Matching Funds Requirement under the Women's Business Center Program
  - Eliminates the non-federal match requirement for Women's Business Centers for a period of three months.
- Loan Forgiveness
  - Establishes that the borrower under the Paycheck Protection Program shall be eligible for loan forgiveness equal to the amount spent by the borrower during an 8-week period after the loan origination date on (i) rent, (ii) payroll costs for workers making less than \$100K, (iii) interest on a mortgage, and (iv) utility payments. The amount forgiven may not exceed the principal of the loan.
  - Incentivizes companies to retain employees by reducing the amount forgiven proportionally by any reduction in employees retained compared to the prior year.
  - To encourage employers to rehire any employees who have already been laid off due to the COVID-19 crisis, borrowers that re-hire workers previously laid off will not be penalized for having a reduced payroll at the beginning of the period.

- Minority Business Development Agency
  - Empowers the Department of Commerce, through the Minority Business Development Agency, to provide grants to minority business centers and minority chambers of commerce to provide education, training and advising related to accessing federal resources.
- United States Treasury Program Management Authority
  - The Department of the Treasury, consulting with the Small Business Administration and the Chairman of the Farm Credit Administration shall establish criteria to allow other lenders to participate in the Paycheck Protection Program, so long as such participation does not threaten the safety and soundness of the lender, as determined in consultation with the relevant federal banking agencies.
- Emergency Economic Injury Disaster Loans (“EIDLs”)
  - For the period between January 31, 2020 and December 31, 2020 (the “covered period”) EIDL eligibility is greatly expanded to include any business with not more than 500 employees operating under a sole proprietorship or as an independent contractor, and any cooperative, ESOP and tribal small business concern with not more than 500 employees. The number of employees is determined together with affiliates.
  - Furthermore, EIDLs may be approved solely on the bases of an applicant’s credit score or by use of alternative methods to gauge the applicant’s ability to repay. Additionally, applicants may request an advance of up to \$10,000 within three days after the Administrator receives the application, subject to verification that the entity is eligible under this program. The advance may be used for any allowable purposes under §7(b)(2) of the Small Business Act and is not subject to repayment, even if the loan request is ultimately denied.
  - Importantly, the CARES Act waives: (1) the requirement of personal guarantees for loans up to \$200,000, (2) the requirement that the applicant must be in business for a year (but must be in operation on January 31, 2020), and (3) the credit elsewhere test.
  - Establishes that an emergency involving Federal primary responsibility determined to exist by the President under Section 501(b) of the Stafford Disaster Relief and Emergency Assistance Act qualifies as a new trigger for EIDLs.

○ Subsidy for Certain Loan Payments

- For loans under §7(a) of the Small Business Act, Title V of the Small Business Investment Act, and for loans made by an intermediary using §7(m) loans or grants, the Administrator shall pay the principal, interest, and fees owed for loans in regular servicing status for any such loans, whether on deferment or not, that were made before the enactment of the Act for the following 6-month period, and for any such loans that were made between the date of enactment of the Act and six months from such date. This does not apply to Payroll Protection loans or EIDL loans which have separate subsidy and repayment requirements.
- The payments shall be made not later than 30 days from when the first payment is due and shall be applied such that the borrower is relieved of any obligation to pay that amount. The Administrator shall coordinate with relevant banking agencies to request that lenders not be required to increase reserves because of these payments.
- The Administrator will waive limits on the maximum loan maturities for loans given deferral and extended maturity during the year following enactment. The Administrator will extend lender site visit requirement timelines as necessary because of COVID-19, to within 60 days of a non-default adverse event, and 90 days of a default.

○ Bankruptcy

- Section 1182(1) of Title 11 is amended to define “debtor” as persons engaged in commercial or business activities and their affiliates (excluding persons who primarily own single asset real estate) that have aggregate, noncontingent, liquidated secured and unsecured debts (at the date of petition filing or the order for relief) of \$7,500,000 or less (excluding debts owed to affiliates or insiders), half or more of which arose from those activities.
- Exempt from this new definition are any members of a group of affiliated debtors that has aggregate, noncontingent, liquidated secured and unsecured debts over \$7,500,000 (excluding debt owed to affiliates or insiders); corporations subject to 1934 Act reporting requirements; and affiliates of an issuer under the 1934 Act.
- National Emergency Act payments for COVID-19 by the President are exempted from “current monthly income” and “disposable income” when determining the power of courts to approve debtor plans rejected by trustees or claim holders.

- Debtors that have experienced material financial hardship due to COVID-19 can modify a plan confirmed prior to this Act's enactment date if approved after notice and hearing, but only if that plan doesn't provide payments more than seven years after the first payment was due under the original plan, and follows requirements of 1322(a)-(c) and 1325(a). This modification terminates one year after the enactment of this Act.

## **Title II – Assistance for American Workers, Families, and Businesses**

### ○ Relief for Workers Affected by Coronavirus Act: Unemployment Insurance Provisions

- Eligibility
  - ♦ The law expands the scope of individuals to groups not normally eligible for unemployment benefits, including those who are furloughed or out of work as a direct result of COVID-19, self-employed or independent contractors, and those who have exhausted existing state and federal unemployment benefit provisions, for weeks of unemployment, partial unemployment, or inability to work caused by COVID-19.
  - ♦ The only individuals expressly excluded from coverage are those who have the ability to telework with pay and those who are receiving paid sick leave or other paid benefits (even if they otherwise satisfy the criteria for unemployment under the new law).
- Administration of Benefit
  - ♦ The benefits are administered by each state and upon the state's written agreement with the Secretary of Labor to provide the specific benefits. States that enter into such an agreement with the Secretary of Labor will be reimbursed in whole or in part for the cost of the benefits plus administrative expenses.
- Types of Benefits Provided
  - ♦ The law provides an increase of \$600 per week in the amounts customarily available for unemployment under state law from the date of the law's enactment through July 31, 2020.

- ♦ States can agree to provide pandemic emergency unemployment compensation to individuals who have either exhausted all of the benefits available to them under existing state and federal law or who are not otherwise eligible for benefits under existing state and federal law. [Click here](#) to view the CT DOL's guidance issued on March 30, 2020. Individuals must be able and available to work and actively seeking work, unless they are unable to do so as a result of COVID-19 illness, quarantine, or movement restriction.
- ♦ States can agree to waive the waiting period for receipt of benefits so that individuals do not experience gaps in income.
- ♦ The federal government will temporarily fund short-time compensation under existing state plans. States that do not yet have short-time compensation plans in place may agree to implement a plan, provided that employers who enter into short-time compensation plans must be required to pay to the state half of the short-time compensation paid under the plan.
- Time Periods for Expanded Benefits
  - ♦ The law provides unemployment benefits assistance to the covered individuals who are not otherwise entitled to benefits under existing state or federal law for weeks of unemployment, partial employment or inability to work caused by COVID-19 during the period January 27, 2020 through December 31, 2020. This includes any waiting periods for benefits under applicable state law.
  - ♦ The total benefit may not extend beyond 39 weeks (including any unemployment benefits or extended benefits received under existing state or federal law), unless further extended by law at a later date.
- Protections Against Fraud and Overpayment
  - ♦ Any fraudulent intent or misrepresentations to obtain payments to which an individual is not entitled will result in ineligibility for any other unemployment compensation benefits under the new law as well as criminal prosecution. Overpayments may be clawed back by the state agencies, which is no different than existing Connecticut law.
- Social Security Treatment
  - ♦ The additional unemployment compensation provided is not considered "income" for purposes of Medicaid and CHIP.

- Relief for State and Local Governments
  - ♦ The Act provides federal funds to be provided to states to reimburse governmental entities and other organizations described in IRC §3309(a)(2) for amounts paid (in lieu of contributions) into the state unemployment fund pursuant to such section.
- Rebates and Other Individual Provisions
  - Tax Credits
    - ♦ For tax year 2020, "eligible individual" taxpayers can benefit from a tax credit equal to the sum of: (i) \$1,200 for single filers (\$2,400 for those filing a joint return) plus (ii) an amount equal to the product of \$500 multiplied by the number of qualifying children; however the tax credits will be "phased-out" by 5% of the amount by which such eligible taxpayer's adjusted gross income exceeds: \$150,000 for joint-filers, \$112,500 for heads of household, and \$75,000 for all other types of filers.
  - Tax Treatment of "Coronavirus-Related Distribution" from qualified plan
    - ♦ A "coronavirus-related distribution," as defined under the CARES Act, is generally defined as any distribution from an eligible retirement plan made: (i) on or after January 1, 2020 and before December 31, 2020, (ii) to an individual (a) who is diagnosed with COVID-19, (b) whose spouse or dependent is diagnosed with COVID-19, or (c) who experiences adverse financial consequences as a result of being quarantined, furloughed, laid off, had hours reduced, or other factors as determined by the Secretary of the Treasury during the COVID-19 pandemic.
    - ♦ Coronavirus-related distributions made from both eligible employer sponsored retirement plans and individual retirement accounts ("IRAs") are exempt from the 10% early distribution penalty tax, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any "controlled group" which includes the employer) to such individual exceeds \$100,000.
    - ♦ These distributions are subject to regular income tax, although it may be spread over three years.

- Repayments of Coronavirus-Related Distributions
  - ♦ Any individual who receives a coronavirus-related distribution may, generally, during the three-year period beginning on the day after the date such coronavirus-related distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary . The aforementioned repayments of coronavirus-related distributions for eligible retirement plans, will, to the extent of the amount of the contribution, be treated as having received the coronavirus-related distribution in an eligible rollover distribution, and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within sixty days of distribution.
- Effects on the Limits on Loans from Qualified Employer Plans
  - ♦ The limitation on loans from any qualified employer plan made to qualified individuals during the 180-day period beginning on the date of CARES Act's enactment will be increased from \$50,000 to \$100,000 (or, if less, the qualified individual's nonforfeitable benefit under the plan). In addition, should the due date of any loan occur between the date of enactment of the Act and December 31, 2020, it will be delayed for one (1) year.
- Required Minimum Distributions Threshold
  - ♦ The CARES Act temporarily waives the minimum distribution requirements for: most defined contribution plans (e.g., 401(k) plan), Section 457(b) deferred compensation plans that are maintained by an eligible employer, or IRAs. This applies for all required minimum distributions that otherwise would have been required to be made in 2020.
  - ♦ A plan will not fail to be treated as being operated in accordance with the terms of the plan during such period, solely because the plan operates in accordance with the CARES Act, so long as the plan is retroactively amended to incorporate the new rules by the last day of the first plan year beginning on or after January 1, 2022.
- Tax Treatment of Charitable Donation
  - ♦ The CARES Act allows taxpayers to take an above-the-line tax deduction for charitable contributions of up to \$300 for the tax year beginning in 2020.



- ♦ Additionally, except for certain exclusions specified below, the percentage and excess carryover restrictions on charitable and other “qualified contributions” (e.g. a contribution to a corporation, trust, a state, or an organization of war veterans, etc.) are disregarded.
- ♦ Exceptions to the CARES Act: General Disregard of the Percentage and Excess Carryover Restrictions on Qualified Contributions
  - The CARES Act treats individuals and corporations differently regarding the aforementioned exceptions, and such different treatments are described below.
  - Qualified contributions for individuals will be allowed as deductions to the extent that the combined contributions do not exceed (i) the excess of the taxpayer’s adjusted gross income over (ii) the amount of the charitable contributions made by the individual under certain other provisions of the CARES Act (e.g., donations to a church, educational organization, private foundation, etc.). If such contributions exceed the foregoing limitation, they will be added to the qualified contribution excess, which is eligible to be treated as charitable deductions for up to the next five successive tax years.
  - Any qualified contributions made by corporations will be allowed as deductions only if these contributions do not exceed 25% of the taxable income of the corporation over the amount of all other charitable contributions allowed under the CARES Act. To the extent a corporation exceeds this limit, it will carry over the excess which will be eligible to be applied as charitable contribution deductions for the subsequent five tax years. It is advisable to speak with your accountant/tax advisor for more specific clarification of limits.
- Waiver of Taxation on Student Loan Payments Made by Employer
  - ♦ Some employers make direct payments to financial institutions or employees for repayment of employee student loan debt. Those payments, pursuant to section 2206 of the Act, will be exempt from taxation for the remainder of this calendar year.
- CARES ACT – Title II Business Provisions
  - Employee Retention Credit for Employer Subject to Closure Due to COVID-19

- ♦ The Act provides for credits to certain employers for employment taxes for their retained employees. Credits will cap at 50% of the qualified wages of each retained employee up to a total of \$10,000 per calendar quarter. Qualified employers are those that have suffered a full or partial business suspension due to a government (federal, state or local) order within a particular calendar quarter. Employers will qualify on a quarterly basis if gross receipts for the employer for a quarter are 50% or less than gross receipts for the same quarter in the prior year and will continue to qualify until gross receipts exceed 80% for a quarter using the same year over year comparison. Section 501(c)(3) charitable organizations will qualify for the credits without restriction.
  - The aforementioned credit is not applicable if the employer is also taking advantage of the Small Business Interruption Loan.
- Delay of Payment of Employer Payroll Taxes
  - ♦ The CARES Act allows most employers to defer paying their share of applicable employment taxes from the time the CARES Act becomes law (March 27, 2020) through December 31, 2020. Half of this deferred amount would be due on December 31, 2021 and the other half by December 31, 2022. Employers will still withhold the payroll taxes from employees in their paychecks. The first payment of 50% of the deferred payroll taxes must be paid by December 31, 2021, and the remaining balance must be paid by December 31, 2022.
- Modifications for Net Operating Losses
  - ♦ There will be, generally speaking, a temporary repeal of taxable income limitation including (i) in the case of a taxable year beginning before January 1, 2021, the aggregate of the net operating loss ("NOL") carryovers to such year, plus the NOL carrybacks to such year, and (ii) in the case of a taxable year beginning after December 31, 2020, the sum of (a) the aggregate amount of NOLs arising in taxable years beginning before January 1, 2018, carried to such taxable year, plus (b) the lesser of (1) the aggregate amount of NOLs beginning after December 31, 2017, carried to such taxable year, or (2) 80% of the excess of certain taxable income.
  - ♦ In the case of any NOL arising in a taxable year beginning after December 31, 2017, and before January 1, 2021, whereby (i) such NOL will be a net operating loss carryback to each of the five (5) taxable years preceding the taxable year of such loss and (ii) certain rules applicable to farming losses and insurance companies shall not apply. There are additional rules that apply specifically to "real estate investment trusts" and life insurance companies.

- Modification of Limitation on Losses for Taxpayers Other Than Corporations
  - ♦ For any taxpayer other than a corporation:
    - For a taxable year beginning after December 31, 2017 and before January 1, 2026, subsection (j) (relating to a limitation on excess farm losses of certain taxpayers) would not apply; and
    - For any taxable year beginning after December 31, 2020 and before January 1, 2026, any excess business loss of the taxpayer for the taxable year will not be allowed.
  - ♦ In regard to treatment of capital gains and losses for purposes of calculating “excess business losses”:
    - Deductions for losses from sales or exchanges of capital assets will not be taken into account.
    - The amount of gains from sales or exchanges of capital assets taken into account will not exceed the lesser of (1) the capital gain net income determined by taking into account only gains and losses attributable to a trade or business, or (2) the capital gain net income.
    - The amendments made in the aforementioned section shall apply to taxable years beginning after December 31, 2017.
- Modification of Credit for Prior Year Minimum Tax Liability of Corporations
  - ♦ The CARES Act allows taxpayers to take an above-the-line tax deduction for charitable contributions of up to \$300 for the tax year beginning in 2020.
  - ♦ The corporate alternative minimum tax (AMT) was repealed as part of the Tax Cuts and Jobs Act, but corporate AMT credits were made available as refundable credits over several years, ending in 2021.
  - ♦ The CARE Act accelerates the ability of companies to recover those AMT credits, permitting companies to claim a refund now and obtain additional cash flow during the COVID-19 emergency.

- Modification of Limitation on Business Interest
  - ♦ The CARES Act temporarily increases the amount of interest expense businesses are allowed to deduct on their tax returns, by increasing the 30-percent limitation (as imposed under the Tax Cuts and Jobs Act) to 50 percent of taxable income (with adjustments) for 2019 and 2020. As businesses look to weather the storm of the current crisis, this provision will allow them to increase liquidity with a reduced cost of capital, so that they are able to continue operations and keep employees on payroll.
- Qualified Improvement Property
  - ♦ The CARES Act enables businesses, especially in the hospitality industry, to write off immediately costs associated with improving facilities instead of having to depreciate those improvements over the 39-year life of the building. The provision, which corrects an error in the Tax Cuts and Jobs Act, not only increases companies' access to cash flow by allowing them to amend a prior year return, but also incentivizes them to continue to invest in improvements as the country recovers from the COVID-19 emergency.
- Temporary Exception from Excise Tax for Alcohol Used to Produce Hand Sanitizer
  - ♦ For distilled spirits removed after December 31, 2019 and before January 1, 2021, such distilled spirits will be free of tax for use in or contained in hand sanitizer produced and distributed in a manner consistent with any guidance issued by the FDA related to the outbreak of COVID-19.
- Title III: Supporting America's Health Care System in the Fight Against the Coronavirus
  - Paid Public Health Emergency Leave Minimums
    - ♦ Employers may, **but are not required to**, pay any more than \$200 per day and \$10,000 in the aggregate for each employee for public health emergency leave under Family & Medical Leave Act of 1993 ("FMLA"), as amended by the FFCRA. This provision of the CARES Act does not amend the recently enacted FFCRA.

- Rehire Eligibility for Paid Public Health Emergency Leave Employers
  - ♦ For purposes of public health emergency leave established by the FFCRA, an eligible employee is an employee who has been employed for at least 30 calendar days by an employer with respect to whom leave is requested. The employee must be employed for at least 30 calendar days, which includes an employee who was laid off by that employer on or after March 1, 2020, had worked for employer for not less than 30 of the last 60 calendar days prior to the employees layoff, and was rehired by the employer.
- Emergency Paid Sick Leave Minimums
  - ♦ Employers may, **but are not required to**, pay any more than:
    - \$511 per day or \$5,110 in the aggregate for each employee when taking emergency paid sick leave if the employee is subject to a federal, state or local quarantine or isolation order related to COVID-19, the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19, or the employee is experiencing symptoms of COVID-19 and seeking medical diagnosis; or
    - \$200 per day or \$2,000 in the aggregate for each employee when taking emergency paid sick leave if the employee is caring for an individual who is subject to a federal, state or local quarantine order, or is caring for an individual who has been advised to self-quarantine due to concerns related to COVID-19, the employee is caring for the employee's son or daughter, if the child's school or childcare facility has been closed or the child's care provider is unavailable due to COVID-19 precautions, or the employee is experiencing any other substantially similar condition specified by HHS in consultation with the Department of the Treasury and the Department of Labor.
    - The caps set forth in the CARES Act mirror those provided for in the FFCRA.
- Advance Refunding of Payroll Credits for Required Paid Sick Leave and Required Paid Family Leave

- ♦ Employers may apply a credit in the amount calculated under subsection (a) of section 7001 or 7003 of the FFCRA, subject to the limitations place by those sections, both calculated through the end of the most recent payroll period in the quarter. In anticipation of a credit, the credit may be advanced according to forms and instructions to be provided by the Secretary of Labor. The Act ensures employers that the Secretary of Treasury shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for failure to make a deposit of the tax imposed under section 3111 (a) or 3221(a) of such Code if failure was due to anticipation of credit allowed.
- High Deductible Health Plans (“HDHP”)
  - ♦ A new safe harbor provision is added to the IRC, providing that a plan shall not fail to be treated as an HDHP because it fails to have a deductible for telehealth and other remote care services. The IRC is further adjusted to include “telehealth and other remote care.” This addition allows an individual to have an insurance plan (for plan years beginning on or before December 31, 2021) that includes telehealth and other remote care without disqualifying the individual from owning an HDHP.
  - ♦ The CARES Act amends the Public Health Service Act, relating to Telehealth Network and Telehealth Resource Centers Grant Programs, Rural Health Care Services Outreach, Rural Health Network Development, and Small Healthcare Provider Quality Improvement Grant Programs—an individual or entity affected by these grant programs should seek out an attorney to examine the effect of such amendments.
  - ♦ Limits potential state and federal liability for volunteer health care professionals—who provide services without compensation or other thing of value—for harm caused to patients relating to the diagnosis, prevention, or treatment of COVID-19. This provision expressly preempts more restrictive state or local law.
  - ♦ Amends certain federal regulations governing the confidentiality and disclosure of substance use disorder patient records (Part 2), including allowing certain re-disclosures to covered entities, business associates, or other programs subject to HIPAA after obtaining the patient’s prior written consent.
  - ♦ Provides that within 180 days of the passage of the Act, the Secretary of HHS shall issue guidance on the sharing of patients’ protected health information (PHI) related to COVID-19, including guidance on compliance with HIPAA regulations and applicable policies.

- CARES Act provisions specific to the Health Care Workforce
  - The Act approves appropriations for a variety of health professions-related programs, with particular focus on programs serving medically underserved populations (rural and geriatric). These grants are generally to be issued by the Secretary of Education.
    - ♦ \$23.711 million in funding for each of the fiscal years from 2021 to 2025, to “designated health professions schools.” These grants are issued by the Secretary of Education.
    - ♦ \$51.5 million in scholarships for such schools.
    - ♦ \$1.19 million per year in student loan repayment for professors who take faculty positions at such schools.
    - ♦ \$41.25 million to healthcare workforce educational programs to health care workforce educational programs and health education center programs to recruit underrepresented minority populations and develop field and classroom training programs.
    - ♦ \$5.663 million to the National Center for Health Workforce Analysis to link data regarding grants awarded.
    - ♦ \$17 million for public health training centers/traineeships.
  - Establishes the inclusion of certain over-the-counter medical products as “qualified medical expenses.”
    - ♦ Menstrual care products are now included under the term “qualified medical expenses.”
  - Medicare Telehealth Flexibilities During Emergency Period
    - ♦ The amendment removes some limiting qualifications which allows the Secretary of HHS to temporarily waive or modify the application of portions of the Social Security Act in the case of a telehealth service furnished in any emergency area during an emergency period. The provision that sets out the defined term “qualified provider” is removed in its entirety.

- Enhancing Medicare Telehealth Services for Federally Qualified Health Centers and Rural Health Clinics During Emergency Period
  - ♦ A new provision is added to the Social Security Act enhancing payment for telehealth services furnished via a telecommunications system by a federally qualified health center (FQHC) or rural health clinic (RHC) during an “emergency period” notwithstanding that the FQHC or the RHC providing the telehealth service is not at the same location as the beneficiary. Payment methods for FQHCs or RHCs that serve as distant sites shall be based on payment rates similar to the national average payment rates for comparable telehealth services under the physician fee schedule under section 1848.
- Temporary Waiver of Requirement for Face-to-Face Visits Between Home Dialysis Patients and Physicians
  - ♦ The Secretary of HHS may waive the requirement that individuals with end stage renal disease receiving home dialysis must receive certain periodic face-to-face (non-telehealth) clinical assessments in order to be eligible to receive end stage disease-related clinical assessments via telehealth.
- Use of Telehealth to Conduct Face-to-Face Encounter Prior to Recertification of Eligibility for Hospice Care During Emergency Period
  - ♦ Hospice physician or hospice nurse practitioner during an “emergency period” are permitted to conduct a face-to-face encounter via telehealth to determine recertification for continued eligibility for hospice care.
- CARES Act: Education Provisions
  - Waives requirement for certain higher education institutions to match federal funding and allows certain institutions to transfer unexpended allotment.
  - Permits certain higher education institutions to use their allocations of Supplemental Educational Opportunity Grants for emergency financial aid for students.
  - Permits certain higher education loan borrowers flexibility in repaying loans or returning grants during a qualified emergency.
  - Permits certain students to complete distance education and certain students of foreign institutions to take classes in the United States.
  - Allows the Secretary of Education to issue waivers upon request relating to assessments, accountability, and related reporting requirements, and requirements for state and local educational agencies and Indian Tribes to receive funding.



- Allows the Secretary of Education to grant a deferment to an institution that received a loan under Part D of Title III of the Higher Education Act.
- Payments on student loans held by the Department of Education are suspended for 6 months, and the Secretary of Education shall suspend all involuntary collection activities during the period of payment suspension.
- The Corporation for National and Community Service can allow individuals to accrue service hours and may permit certain grants funds.
- Gives the Secretary of Education authority to waive certain eligibility requirements, wait periods, and allotment requirements under the Higher Education Act for a period of time.
- Authorizes the Secretary of Education to modify the required and allowable uses of funds for grants and to modify any federal share or other financial matching requirement for a grant awarded under certain provisions of the Higher Education Act to an institution of higher education or other grant recipient (not including an individual recipient of Federal student financial assistance) as a result of a qualifying emergency.
- Allows the Secretary of Education to modify the categories of extenuating circumstances under which a grant recipient may be excused from fulfilling a portion of a service obligation under title IV of the Higher Education Act and must consider teaching service that is part-time or temporarily interrupted due to the emergency to be full-time service. Requires the Secretary of Education to waive certain years of teaching service requirements under the Higher Education Act in certain circumstances.