

# Welcome to ASNY PANDEMIC SOLUTIONS ROUND TABLE

- SPEAKER IS GETTING READY
- PLEASE MUTE YOUR MIC AND TURN OFF YOUR VIDEO
- In order to best facilitate without losing bandwidth, we suggest the following:
  - Close Down All Applications on Your Computer
  - Make Sure No One in Home is Using Wifi Applications
  - Try A Different Browser
  - Refresh Screen or Browser if you have trouble.
  - ASNY CANNOT HELP WITH INDIVIDUAL LOSS OF CONNECTION.





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# RULES OF ENGAGEMENT

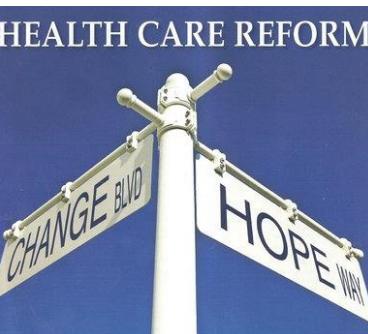
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- During Presentations:
  - Each participant will be muted until acknowledged by facilitator and only has the ability to chat with the facilitator. If they would like to speak or have a question, communicate topic or question in chat function first to be placed in queue to speak.
- If format is open for discussion:
  - Please Mute yourself if not speaking.
  - Listen to others without interrupting.
  - Announce Yourself Each Time before you speak.
  - **BE RESPECTFUL IN THIS DISCOURSE.** Anyone engaging disrespectfully towards others in this forum will be removed from the call immediately after one warning through chat.



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## Pandemic Solutions: Licensed Acupuncturists

Ushering In the  
“New Normal”:  
L.Acs Roles &  
Responsibilities In  
Telemedicine & Essential  
Services

# Essential Services: Let's Break It Down

## Essential SERVICES in a Pandemic

- Related to Services NOT Professions. The list does not determine roles within healthcare in terms of importance on a regular basis. It is simply a declaration of what services need to continue to make sure a society does not grind to a halt. While not currently on the list, some have received the designation & a case can be made for keeping our patients well enough to be out of overcrowded hospitals.

## Essential Health Benefits In Healthcare

- Related to Benefits that involve Professions for Delivery of healthcare under the ACA: Important to Be Defined in SSA or within the legislation. Currently, within the ACA, Acupuncture is considered an EHB under Wellness & Preventive Care but Licensed Acupuncturists are not defined by SSA. (And need to be if they are going to bill Medicare.)

# Are NY L.Acs Services Considered Essential?

## Governor's Webpage & Options

- While not listed directly, there is a way to apply for a designation as essential: this is per business and does not apply to ASNY applying on behalf of the profession.
- **Essential Health Care Operations, Including:**
  - research and laboratory services
  - hospitals
  - walk-in-care health facilities
  - emergency veterinary and livestock services
  - elder care
  - medical wholesale and distribution
  - home health care workers or aides for the elderly
  - doctor and emergency dental
  - nursing homes, or residential health care facilities or congregate care facilities
  - medical supplies and equipment manufacturers and providers
- **To request designation as an essential business, please [click here](#).**

## Example of a Positive Response to Application of Designation of Essential Service

- The answer seems to be “Yes”, on a business by business case.
- From an ASNY Member:
- Dear Business Owner:

Thank you for seeking designation as an “essential business” pursuant to the revised New York State Executive Order 202.6 with respect to your business function of providing acupuncture for cases deemed medical emergencies. Based on the information you have provided, that business function is an essential business and/or supports an essential business and is not subject to the required 100% workforce reduction pursuant to the revised Executive Order 202.6. However, your business has been designated as essential solely with respect to those employees that must be present at the business location in support of essential business activities. No other employees/personnel shall be permitted to work from your business’s location. Any other business activities being completed at your location that are not essential are still subject to the revised Executive Order 202.6. Please continue to comply with all other Executive Orders and recommendations from the New York State Department of Health and please consider reducing your workforce to the extent practicable.

Stay well,  
Department of Economic Development

# Where We Can Make A Case for “Essential Services”

- <http://www.op.nysed.gov/prof/aku/acupunbroch.htm>

- **Consumer Information: What You Should Know About Acupuncturists and Their Services**
- What is a licensed acupuncturist?
  - An acupuncturist is a licensed health care professional who, based on the concepts of oriental medicine, maintains the health of patients and evaluates and treats their illness and pain.
- How do acupuncturists treat health conditions?
  - Using the principles of oriental medicine, the acupuncturist will examine you by looking, listening, asking questions, and touching. This allows the acupuncturist to record a full case history.
- When would I use the services of a New York acupuncturist?
  - Many conditions may respond to acupuncture, including those related to the following:
    - neurological system
    - musculo-skeletal system
    - respiratory system (Things that Chiro & PTs do not treat)
    - gynecologic and reproductive system
    - digestive system
    - genito-urinary system
- Acupuncture may also help with:
  - acute and chronic pain (Chiropractors & PTs claim “essential services” based on this premise)
  - maintaining emotional balance (Things that Chiro & PTs do not treat) (This is relevant for pandemic mental health requirements)
  - stress reduction and detoxification (Chiropractors & PTs claim “essential services” based on this premise)
- **BOTTOM LINE: WE CAN HELP KEEP OUR PATIENTS WITH COMORBIDITIES AND THOSE WHO ARE IMMUNOCOMPROMISED FROM FILLING OVERCROWDED HOSPITALS.**

# Liability of Treating Patients During a Pandemic

- **Whether Designated Essential or Not:**

- For healthcare workers in a hospital, there are protections for them in place. Hospitals and healthcare organizations must be concerned with “vicarious liability”, which is why they are typically concerned much more about safety and sanitization protocols than in other clinics.
- For others, especially in our profession, the liability belongs to them alone if there is an outbreak. To see people face-to-face is to open your clinic up to liability than can include intentional torts such as negligence. While it has been difficult in the past to prove negligence (duty, breach, injury & causation,) an infectious disease pandemic with proper surveillance programs in place will be able to trace infection and mortality rates easier than during the AIDS pandemic. (To apply for designation will put you on the radar naturally for surveillance, but regardless, any clinic who is still seeing patients will land on the radar if one of their patients becomes infected or dies.
- There are criminal and civil penalties that every person operating as if these are normal circumstances must be concerned with. For this reason, unless it is absolutely necessary to have your patients come to you, or for you to be out of your home, it might be better to develop telehealth programs in order to continue to benefit your patients at this time.



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# STATE & FEDERAL AID INITIATIVES

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# WHAT HAS BEEN PASSED

- **NY S07919:** Permits the governor to issue by executive order any directive necessary to respond to a state disaster emergency; and makes a \$40,000,000 appropriation from the state purposes account of the general fund for responding to the outbreak of coronavirus disease 2019 (COVID-19).
- **NY S08091:** Provides provisions for certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19.
- **US HR6074:** Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020
- **US HR6201:** Families First Coronavirus Response Act
- **US S1379:** Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019
- **US S1790:** National Defense Authorization Act for Fiscal Year 2020

# High Priority Legislation:

HIGH	NY	A10183	Prohibits negative credit reporting on consumers who have suffered financial harm as a result of the declared state of emergency relating to the coronavirus.
HIGH	NY	A10208	Establishes the coronavirus pandemic small business and not-for-profit organization loan program.
HIGH	NY	A10224	Suspends all rent payments for certain residential tenants and small business commercial tenants if such tenant has lost employment or was forced to close their place of business and certain mortgage payments for landlords of such tenants in the state for ninety days following the effective date of this act in response to the outbreak of coronavirus disease 2019 (COVID-19).
HIGH	US	HR6382	To provide assistance for fair housing enforcement activities associated with the COVID-19 pandemic, and for other purposes.
HIGH	US	S3578	A bill to provide oversight for the care and assistance provided to businesses under the coronavirus relief package.
HIGH	NY	S08109	Suspends mortgages and loans from state-chartered banks and state-chartered credit unions for small businesses and restaurants that have closed or reduced services due to the coronavirus disease 2019 (COVID-19).
HIGH	NY	S08118	Prohibits negative credit reporting on consumers who have suffered financial harm as a result of the declared state of emergency relating to the coronavirus.
HIGH	NY	S08125	Suspends all rent payments for certain residential tenants and small business commercial tenants if such tenant has lost employment or was forced to close their place of business and certain mortgage payments for landlords of such tenants in the state for ninety days following the effective date of this act in response to the outbreak of coronavirus disease 2019 (COVID-19).
HIGH	US	HR6314	To provide emergency rental assistance under the Emergency Solutions Grants program of the Secretary of Housing and Urban Development in response to the public health emergency resulting from the coronavirus, and for other purposes.
HIGH	US	HR6316	To provide relief for Federal and private student loan borrowers during the COVID-19 pandemic, and for other purposes.

# Resources for New York Acupuncture Practices

Small Businesses in New York are eligible to apply for a low-interest loan due to Coronavirus (COVID-19) through the U.S. Small Business Administration (SBA).

- <https://disasterloan.sba.gov/ela/>

Unemployment assistance: <https://www.ny.gov/services/get-unemployment-assistance>

# Resources for New York Acupuncture Practices

New York City Employee Retention Grant, The City is offering small businesses with fewer than 5 employees a grant to cover 40% of payroll costs for two months to help retain employees.

- Eligibility, Businesses, including non-profits, must:
  - Be located within the five boroughs of New York City
  - Demonstrate that the COVID-19 outbreak caused at least a 25% decrease in revenue
  - Employ 1-4 employees in total across all locations
  - Have been in operation for at least 6 months
  - Have no outstanding tax liens or legal judgements
  - Here is the link for pre-application, <https://www.surveymonkey.com/r/ZL5N8XL>

# Resources for New York Acupuncture Practices

## NYC Small Business Loan,

Businesses with fewer than 100 employees who have seen sales decreases of 25% or more will be eligible for zero interest loans of up to \$75,000 to help retain employees and ensure business continuity.

- Eligibility: Businesses must:
  - Be located within the five boroughs of New York City
  - Demonstrate that the COVID-19 outbreak caused at least a 25% decrease in revenue
  - Employ 99 employees or fewer in total across all locations
  - Demonstrate ability to repay the loan
  - Have no outstanding tax liens or legal judgements
  - Link for pre-application, <https://www.surveymonkey.com/r/ZL5N8XL>



## COMMUNICATIONS

Chair: Viktor Krystufek  
Monthly meetings: 1st Monday of Every Month 9:00PM EST  
•Subcommittees: Newsletter, Public Education, Social Media



## MEMBERSHIP

Chair: Carl Castillo  
Monthly meetings 2nd Monday of Every Month 1:00PM EST  
•REGIONAL Meetings being established



## ADVOCACY

Chair: Timur Lokshin  
Monthly Meetings: 2st Thursday of Every Month 1:00PM EST  
•Subcommittees: Insurance, Federal, Opioids



## TO PARTICIPATE

contact

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WHERE DO WE GO FROM HERE?  
We need all hands on deck!