

MANATT HEALTH

Navigating COVID-19: Top Issues for Manatt Health

Manatt Health helps stakeholders across the healthcare ecosystem—including states, payers, health systems, and long-term care providers—navigate operational, regulatory, and financial challenges as they manage through the COVID-19 pandemic. Our multidisciplinary team—integrating legal, regulatory, and strategic consulting leaders—can help clients leverage federal and state regulatory flexibilities and funding opportunities, accelerate innovation, and realign organizational priorities to both address the immediate crisis and plan for sustainability into the future.

Key Issues to Consider

Expanding the Use of Telehealth Amid the Coronavirus Pandemic

The Issue: Providers have rapidly scaled telehealth to triage, diagnose and treat patients, while protecting workers and reducing disease spread. States are driving telehealth adoption through novel reimbursement policies, and federal officials have implemented new flexibilities and increased support of telehealth efforts.

How Manatt Can Help: Manatt assists states in developing and revising telehealth policies, payers in designing coverage and reimbursement approaches, and providers in understanding federal funding options, developing and deploying telehealth programs, and assessing reimbursement potential.

Addressing the Added COVID-19 Challenges That Long-Term Care Faces

The Issue: Nursing homes, assisted-living facilities, inpatient rehabilitation facilities and home care providers are challenged to protect patients while keeping workers safe and businesses compliant with evolving rules. About 2.5 million seniors and medically fragile Americans are in congregate care settings, with Medicaid paying 62% of costs. More than 10 million need assistance at home or in their communities, with Medicaid as the primary payer. Given these statistics, states are at the forefront of efforts to mitigate the spread of the virus.

How Manatt Can Help: Manatt helps states, providers and plans address current challenges and prepare for future emergencies. We help enhance telemedicine access to reduce risk for patients and providers, identify funding opportunities, ease regulatory barriers, and identify strategies to maintain capacity and quality while protecting and incentivizing the LTC workforce.

Responding to COVID-19 With New Flexibilities in Medicaid

The Issue: During the crisis, states can request added flexibilities to broaden coverage, ease monitoring and documentation burdens, and expand their provider networks and workforce capacity. As the pandemic continues to unfold and the economic crisis deepens, Medicaid agencies face increasing strain on safety-net providers at the same time enrollment is growing.

How Manatt Can Help: Manatt guides state policymakers, Medicaid agencies, providers and plans on strategic, regulatory, policy and operational matters. As a technical advisor to CMS Medicaid and CHIP Coverage Learning Collaboratives, we supported the development of disaster preparedness toolkits and inventory checklists. We are now advising state Medicaid agencies on adapting these strategies to the pandemic. We also guide plans as they partner with states to respond to the COVID-19 crisis.

Facing New Pressures From COVID-19 in Commercial Health Insurance

The Issue: Health plans have been called upon to help mitigate the COVID-19 crisis through cost-sharing and utilization review limitations, demands to pay claims during extended premium grace periods, and expanded telehealth use. Where COVID-19 has overwhelmed provider networks, plans are covering out-of-network care. Deferred care is reducing claims payments for some insurers, leading to calls for interim provider payments. These changes pose legal, operational and financial challenges for health plans and their regulators—2021 rate review is likely to be particularly difficult, given the unknowns, and risk adjustment, reinsurance and risk corridors may be considered to help stabilize health insurance markets.

How Manatt Can Help: With both deep relationships with insurance regulators and an understanding of health plans' financial and operational imperatives, Manatt has the expertise necessary to help insurers weather this crisis. We provide guidance across a range of areas: cost-sharing waivers for testing and screening, telehealth coverage, prior authorization and other utilization reviews, provider network adequacy and out-of-network access, off-formulary prescription coverage and relaxed limits on drug refills, consumer communications, declarations of emergency, funding, vaccination coverage, travel insurance, and more.

Helping Providers Navigate the Complex Business, Strategy, Legal and Regulatory Implications of COVID-19 Today and Long Into the Future

The Issue: The pandemic has introduced financial, workforce, supply chain and compliance pressures for providers. Delivery systems must navigate the challenges inherent in leading the clinical and public health response while rebuilding public confidence, resuming broader operations and supporting regional efforts to restart the economy. As they look forward, providers also must resume nonemergency procedures, optimize federal and state funding opportunities, design new care models, reach high-need populations, rebuild academic and research programs, and manage legal and compliance risks.

How Manatt Can Help: Manatt Health tracks and provides rapid response insights on the implications of and compliance with federal and state guidance and funding developments. We help providers assess and respond to legal risks, evaluate near-term and longer-term strategic responses, and address mounting financial and organizational challenges.

Dealing With the Inevitable: In the Midst of COVID-19, the Only Certainty Is That There Will Be Litigation

The Issue: In this uncertain time—with the healthcare system in the midst of a pandemic, legal and regulatory guidance changing daily, and stakeholders racing to adapt—litigation is inevitable. Ever-changing and sometimes-conflicting guidance will raise issues of first impression on topics like jurisdiction, standing and pre-emption. And the normal challenges of healthcare litigation will be compounded by nationwide court closures and service reductions.

How Manatt Can Help: Manatt has a deep bench of litigators who come armed with substantive and procedural expertise. Manatt's litigators serve on the front lines of healthcare litigation on behalf of both providers and payers. Thanks to their close integration into Manatt Health, they understand the latest regulatory developments and operational demands of our health clients and are ready to spring into action on their behalf.

We're Here to Help:



William Bernstein
Leader
wbernstein@
manatt.com
212.830.7282



Patricia Boozang
pboozang@
manatt.com
212.790.4523



Melinda Dutton
mdutton@
manatt.com
212.790.4522



Peter Olberg
polberg@
manatt.com
212.830.7217



Gregory Pimstone
gpimstone@
manatt.com
310.312.4137