



Coronavirus (COVID-19): Benefits Checklist

This checklist provides a quick reference for HR/benefits teams to evaluate options and mitigate risks associated with the coronavirus disease known as COVID-19. Please see our [COVID-19 page](#) for additional resources on how employers can support their workforces.

Prevention

Note that the CDC [recommends](#) that employers not require a health care provider's note from employees to validate illness, qualify for sick leave, or return to work.

- Paid leave:** Review sick leave, PTO and other leave policies. How will they apply to employees under quarantine or who are undergoing testing?
- FMLA:** Review FMLA policies and procedures and the latest [DOL guidance](#). How will they apply to employees under quarantine, undergoing testing or caring for family members?
- Time/attendance/telework:** Review policies, procedures and [CDC recommendations](#) to determine if adjustments are needed.

Plan Design

- Health coverage:** Discuss the following with your third-party administrator (TPA) or insurance carrier:
 - Testing:** How will the plan cover testing and associated provider visits? What are anticipated costs to the plan and participants? Details of testing coverage rules are available [here](#).
 - Network:** Specific hospitals/facilities may be designated as preferred locations for COVID-19 treatment.
 - Treatment coverage:** How will the plan handle coverage if new or experimental vaccines and treatments for COVID-19 become available?
 - After public health emergency:** The current COVID-19 public health emergency is slated to expire on 6/16/2020, although the Department of Health and Human Services (HHS) may terminate or extend that period. How will the plan handle testing

coverage after that date, when coverage with no cost sharing is no longer required by law?

- HSA+HDHP:** Will participants need to satisfy their deductibles before their high-deductible health plan (HDHP) covers COVID-19 testing or treatment? The IRS has issued [guidance](#) stating that health savings accounts (HSAs) paired with HDHPs can cover COVID-19 testing and treatment before participants satisfy their deductibles.
- Short-term disability:** Will the plan provide income replacement if an employee is under quarantine (as opposed to diagnosed) for COVID-19?
- Workers' compensation:** Under what conditions will workers' compensation be available if an employee is diagnosed with COVID-19?
- Check in with third-party vendors:** Will they have additional capacity if there is increased demand for their services? Will they have additional resources to address COVID-19 concerns?
 - On-site clinic
 - Telehealth
 - Mail order pharmacy
 - Nurseline
 - EAP

Legal/Compliance/Risk Management

- Documents and Disclosures:** If you change/clarify any benefit programs or policies:
 - Check to see if you need to amend plan documents, vendor agreements or employee handbooks.
 - How will you communicate these changes/clarifications to your employees and other plan participants?
- HIPAA:** Review HIPAA policies and procedures and confirm that they are consistent with the most recent [HHS guidance](#).
- ADA:** Review policies related to testing, confidentiality, fitness for duty and leave. Confirm that they are consistent with the most recent [EEOC guidance](#).
- Stop-loss:** Review stop-loss coverage. Is your coverage sufficient in the event of unusually high or numerous claims?

- Force majeure clauses:** Most contracts have force majeure clauses that excuse a party's obligations when certain circumstances beyond the party's control occur. We recommend reviewing these clauses in your vendor agreements with the assistance of in-house counsel.

Do you have regulatory/compliance questions related to COVID-19? Please [contact us](#).

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