

Senate Proposed HEALS ACT New Legislation: Critical Human Services Funding & Protections

Last night, Senate Republicans introduced a series of bills in response to the ongoing COVID-19 pandemic. The series of proposals, the Health, Economic Assistance, Liability Protection and Schools (HEALS) Act, were drafted by the chairs of various committees of jurisdiction including Senate HELP, Finance, Small Business and Entrepreneurship and Appropriations. The HEALS Act totals nearly \$1 trillion in relief aid and is the starting point for bipartisan negotiations between the House and Senate as they look to finalize a deal before the end of this week.

Highlights of the HEALS Act proposals include:

Extension of Medicare telehealth waivers through the length of the public health emergency, or December 31, 2021, whichever is later. The bill calls for a full analysis of the impact of expanded telehealth allowances and provides Congress the opportunity to legislate before the flexibilities expire. It also maintains telehealth expansions specific to federally qualified health centers and rural health centers for five years beyond the end of the PHE.

\$4.5 billion supplemental appropriation to SAMHSA, including:

- Community Mental Health Services Block Grant - \$2 billion, of which **no less than 50% of funds shall be directed to community mental health centers as defined by the [Public Health Services Act](#)**. This broad definition encompasses organizations that provide any of the following services:
 - Outpatient services for children, the elderly, individuals with a serious mental illness or residents who have been discharged from inpatient treatment;
 - 24-hour emergency care services;
 - Day treatment, partial hospitalization, or psychosocial rehabilitation services; and
 - Treatment and services through child mental health programs, psychosocial rehabilitation programs, peer support programs, and mental health primary consumer-directed programs.
- Substance Abuse and Prevention Treatment Block Grant - \$1.5 billion
- Certified Community Behavioral Health Clinics - \$600 million for expansion grants
- Suicide Prevention Programs - \$50 million
- Project AWARE - \$100 million to support mental health once children return to school
- Emergency Grants to States - \$250 million for flexible emergency grants to states

Public Health and Social Services Emergency Fund

\$25 billion in new money for the Health Care Provider Relief Fund.

Liability Protections for Employers

The bill would create an exclusive federal cause of action for COVID-19 exposure lawsuits that runs retroactively from December 1, 2019 until October 1, 2024. It would establish a safe harbor for businesses that undertake reasonable efforts to comply with public health and safety guidelines. In

cases where defendants do not take such efforts, plaintiffs must demonstrate that the defendant's gross negligence or willful misconduct caused the plaintiff's infection.

Continuing Small Business Recovery and Paycheck Protection Program

The legislation would provide a second round of PPP loans for certain businesses that have already received a loan, setting aside \$190 billion for business and nonprofits with at most 300 employees (down from the 500-employee threshold in the first round). To receive a second PPP loan, companies would have to demonstrate a 50% reduction in gross revenues over the same quarter last year.

The HEALS Act **does not include an increase to the Medicaid FMAP** as passed by the House's HEROES Act back in May. The National Council continues its efforts to secure the inclusion of an increase in federal matching dollars to state Medicaid programs as negotiations continue.

RCPA will continue to work with our Federal and State stakeholders on these critical issues for members. If you have questions, please contact your RCPA Policy Director.