

PUBLIC COMMENTS

SB 809

HOUSE COMMITTEE ON PUBLIC HEALTH

Hearing Date: April 28, 2021 8:00 AM

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Madam Chair and members: Thank you for allowing me this opportunity to submit testimony regarding SB809. Representing skilled nursing facilities and assisted living facilities, THCA appreciates the opportunity to provide testimony and input today regarding COVID19 Provider Relief Fund (PRF) payments and the efforts of the Texas legislature to better understand the impact that COVID19 has had on long term care facilities.

THCA's position is "on" the bill; however, we support the intent of the legislature to have a better understanding the federal funds programs. We want to ensure that providers are not duplicating effort in providing similar information publicly available thru current U.S. Department of Health and Human Services (HHS) publications.

In 2020, Congress allocated federal funds with terms and conditions to be used to prevent, prepare for, and respond to COVID-19 or for healthcare-related expenses or lost revenues attributed to COVID-19. Additional funds were also allocated or earned, based upon COVID19 performance, to be used for items such as: reporting COVID-19 test results; hiring staff to provide patient care/admin support; and improving infection control.

HHS has developed Terms and Conditions for the expenditure of funds; however, clear guidance on use of funds and recoupment of funds remains uncertain. Current guidance:

- Providers do not have clear reporting guidance or how much provider relief funds can be retained by the provider vs. paid back to HHS.
- Approximately 13 rules and 50 FAQs have been published regarding the funds and reporting requirements, which often contradict themselves and/or change the guidance issued in prior versions.
- Final reporting requirements and due dates are still pending from HHS.
- All provider relief funds must be "used" or "justified" by June 30, 2021, or they will be required to be repaid.
- Many providers will be required to have a single audit or similar audit performed by an independent CPA firm.

HHS has developed a web-site which has a list published of all entities that received a payment from the PRF and attested to the terms and conditions. The information contained in the data file contains all provider types from all states across the country.

Providers remain uncertain what they will be able to spend in accordance with the federal terms and conditions, and what must be returned. As a result, we would like to see further clarification regarding the reporting of federal funds received vs. expended to provide a complete context of those funds received by providers.

Lastly, nursing home providers have not received federal funds since February 2021. With an implementation date of September 1, 2021, we appreciate the clarification in the substitute that the first report should include money received through August 2021. However, ongoing reporting requirements clarification will be needed if no further federal funding is provided. Thank you all for your efforts