



SB 1080 - COVID-19 Public Health Emergency Protection Act of 2020

This emergency bill authorizes the Governor to take actions relating to health insurance, Medicaid, retailer profits, employer actions, and personnel at State health care facilities as a result of the March 5, 2020 proclamation declaring a state of emergency and the existence of a catastrophic health emergency (or any other proclamation related to the outbreak of COVID-19). **The bill terminates April 30, 2021.**

Health Insurance and Medicaid:

The Governor may:

- prohibit cost-sharing by an insurer, nonprofit health service plan, or health maintenance organization (collectively known as carriers) for COVID-19 testing (and associated costs) conducted based on testing protocols recommended by the Secretary of Health;
- order MDH to cover the cost of COVID-19 testing and associated costs if the costs would not otherwise be paid for by a carrier or another third party;
- require carriers and Medicaid to cover a COVID-19 immunization (should one be determined to prevent the disease) and any associated costs, without cost-sharing, if the patient belongs to a category of individuals to whom MDH has determined cost-sharing should not apply;
- establish or waive telehealth protocols for COVID-19, including authorizing health care professionals licensed out-of-state to provide telehealth to patients in the State;
- order MDH to reimburse synchronous and asynchronous telehealth services for COVID-19 provided to a patient, without regard to whether the patient is at a clinical site, if the service is covered by Medicaid, provided by a participating Medicaid provider, and authorized under the health care provider's scope of practice; and
- consult with MDH, the Maryland Insurance Commissioner, and the Maryland Health Benefit Exchange to develop and implement orders relating to COVID-19 to minimize disruption in enrollment in health insurance and Medicaid, facilitate reimbursement by carriers of telehealth services provided to patients in the State, and facilitate reimbursement of essential services to minimize the risk to public health.

Retail Profits:

The Governor may prohibit a retailer from increasing the sale or rental price of any good or service to a price that increases the retailer's value of profit by more than 10%, including food, fuel, water and ice, medicine, medical supplies and equipment, cleaning products, building supplies and equipment, energy sources, and storage space.

Employer Actions:

The Governor may prohibit an employer from terminating an employee solely on the basis that the employee has been required to be isolated or quarantined.

Staffing of Health Care Facilities Owned or Operated by the State:

The Governor may order MDH to authorize an alternative workweek for an employee of a health care facility that is owned or operated by MDH and open 24 hours a day and seven days a week and who is subject to a memorandum of understanding with the American Federation of Teachers (which applies to registered nurses at some State facilities).

Unemployment Insurance Eligibility Due to COVID-19:

SB 1080 authorizes the Secretary of Labor, notwithstanding any other provision of State law, to determine that an individual, who need not separate from the individual's employment, is eligible for UI benefits if:

- the individual's employer temporarily ceases operations due to COVID-19, preventing employees from coming to work;
- the individual is quarantined due to COVID-19 with the expectation of returning to work after the quarantine is over; or
- the individual leaves employment due to a risk of exposure or infection of COVID-19 or to care for a family member due to COVID-19.

