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# COVID – 19 Pandemic: Public Assistance Eligibility



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# Purpose of the Training

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- Refresh on analysis structure to determining PA eligibility
- Provide clarity to ensure consistency in the application of FEMA policy in the formulation of projects
- Discuss eligibility for COVID – 19 projects



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# COVID-19 Declarations

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- At the direction of the President, FEMA is supporting 57 major disaster declarations, 101 emergency designations and 89 tribal nations in the COVID-19 pandemic
- All COVID declarations authorized Public Assistance, Category B, Emergency Protective Measures
- These are immediate actions necessary to protect public health and safety, or to lessen or avert a threat, in response to the pandemic and should be taken in accordance with guidance from public health officials



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# COVID-19 Declarations (Continued)

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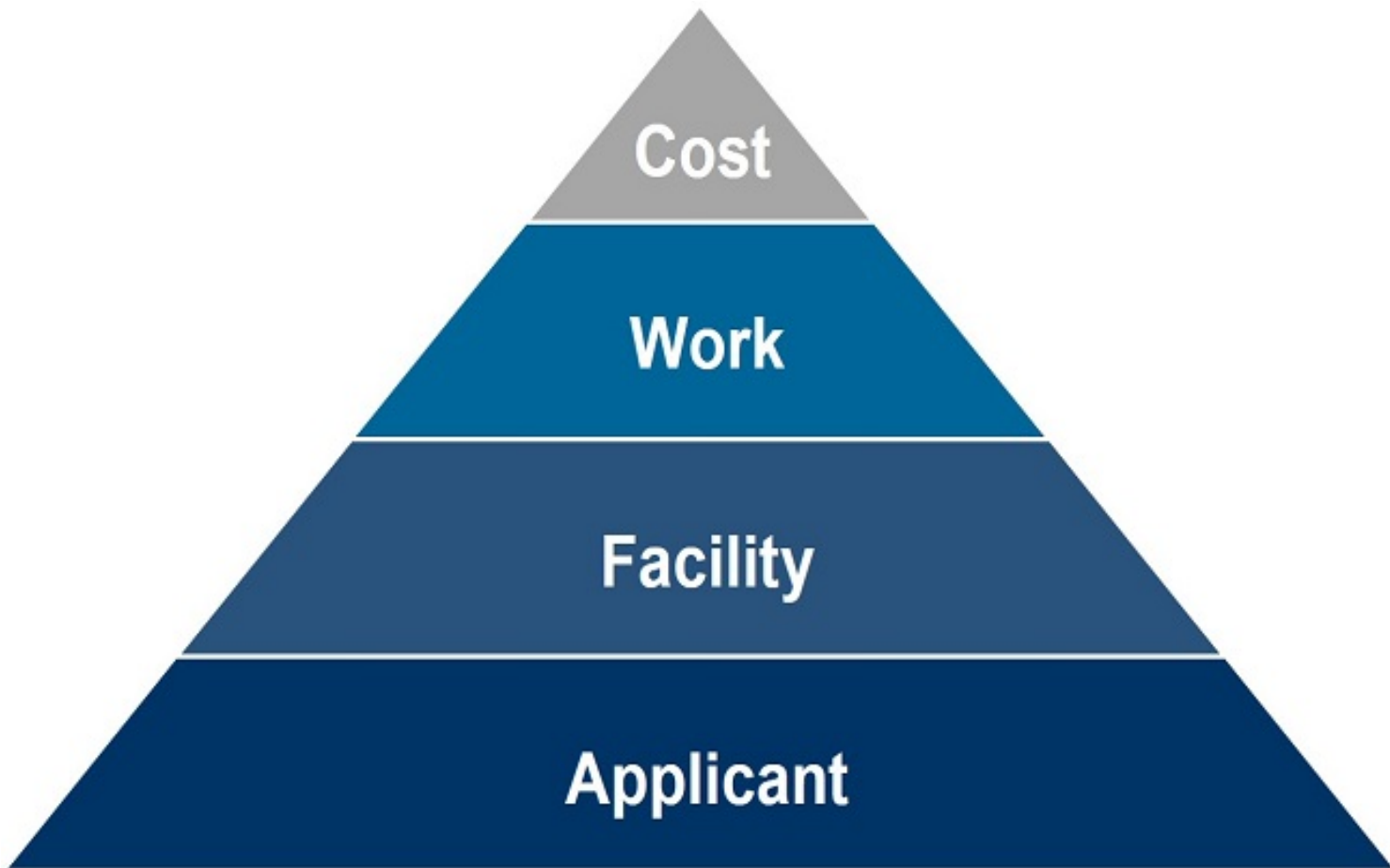
- To be eligible for Public Assistance (PA), an item of work must be the legal responsibility of an eligible Applicant (44 CFR §206.223)
- Measures to protect life, public health, and safety are generally the responsibility of State, Local, Tribal, and Territorial (SLTT) governments



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# Identifying Eligibility

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# Legal Responsibility

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- To be eligible for PA, an item of work must be the legal responsibility of an eligible Applicant
- Measures to protect life, public health, and safety are **generally** the responsibility of SLTT governments
- Legally responsible SLTT governments may enter into formal agreements or contracts with private organizations, including PNP organizations when necessary to carry out eligible emergency protective measures in response to the COVID-19 pandemic



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# Facility Eligibility

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- In general, a facility must be determined eligible in order for work to be eligible
- There are exceptions for some emergency work activities
- For State, Territorial, Tribal, and local Applicants, evaluating facility eligibility it is not necessary for most emergency work
  - For these Applicants, eligibility of emergency work is primarily based on evaluation of an immediate threat and legal authority to perform the work



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# Facility Eligibility (Continued)

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- Increased costs of operating a facility or providing a service are generally not eligible, even when directly related to the incident
  - However, short-term increased costs that are directly related to accomplishing specific emergency health and safety tasks, as part of emergency protective measures, may be eligible



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# Work Eligibility

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- At a minimum, work must meet each of the following three general criteria to be eligible:
  - Be required as a result of the declared incident;
  - Be located within the designated area, with the exception of sheltering and evacuation activities; and
  - Be the legal responsibility of an eligible Applicant
- The Applicant is responsible for showing that work is required:
  - To eliminate or lessen an immediate threat resulting from the declared incident



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# Cost Eligibility

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- The final component evaluated for eligibility, are the costs claimed by the Applicant
- Not all costs incurred as a result of the incident are eligible. To be eligible, costs must be:
  - Directly tied to the performance of eligible work
  - Adequately documented
  - Reduced by applicable credits, such as insurance and salvage values
  - Not covered by other Federal agency funding



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# Cost Eligibility (Continued)

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- Authorized and not prohibited under Federal, State, Territorial, Tribal, or local government laws or regulations
- Consistent with the Applicant's internal policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the Applicant
- Necessary and reasonable to accomplish the work properly and efficiently



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# Guidance

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- January 20, 2020 – Ongoing
  - Public Assistance Program and Policy Guide (PAPPG) v. 3.1 FP104-009-2/April 2018
  - Coronavirus (COVID-19) Pandemic: Medical Care Costs Eligible for Public Assistance FP 104-010-04
  - Coronavirus (COVID-19) Pandemic: Purchase and Distribution of Food Eligible for Public Assistance FP 104-010-03
  - FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency (Interim) FP 104-009-18
  - Fact Sheet: Coronavirus (COVID-19) Pandemic: Alternate Care Site (ACS) “Warm Sites”
  - Coronavirus (COVID-19) Pandemic: Non-congregate Sheltering FAQ



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# Guidance – Fact Sheets

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- Fact Sheet: Procurement Under Grants Conducted Under Exigent or Emergency Circumstances
- Fact Sheet: Accessible Public Service Announcements Category B: Emergency Protective Measures
- Fact Sheet: Coronavirus (COVID-19) Pandemic: Private Nonprofit Organizations
- Fact Sheet: Coronavirus Disease 2019 (COVID-19) Public Health Emergency: Coordinating Public Assistance and Other Sources of Federal Funding
- Fact Sheet: Coronavirus (COVID-19) Pandemic: Addressing PPE Needs in Non-Healthcare Setting



# Guidance

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- January 20, 2020 – September 14, 2020
  - Fact Sheet: Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures
- September 15, 2020 – Ongoing
  - Coronavirus (COVID-19) Pandemic Work Eligible for Public Assistance (Interim) FP 104-009-19



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# Emergency Protective Measures

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- FEMA may provide assistance for the following emergency protective measures in response to COVID-19 declared events:
  - Purchase/distribution of PPE directly related to eligible emergency work, or is provided to healthcare workers, patients with confirmed or suspected COVID-19 infection, and first responders
  - Medical Care
  - Purchase/distribution of food
  - Non-congregate medical sheltering



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# Emergency Protective Measures (Cont)

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- Operation of Emergency Operations Centers
  - Communications to disseminate public information
  - Mass casualty management
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- FEMA may provide assistance for the following when necessary to perform eligible work above:
    - Cloth Facial Coverings
    - Temperature Scanning
    - Disinfection
    - Temporary Physical Barriers



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# COVID-19 Testing

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COVID-19 tests are available at no cost nationwide at health centers and select pharmacies. However, legally responsible SLTT's may have testing or other eligible work and costs that are not otherwise provided or paid for by another source.

- Examples of Eligible Work
  - Test Kits
  - Wrap Around Services (i.e.; biomedical waste removal, contracted security)
  - Temporary facilities



# COVID-19 Testing (Continued)

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- Costs
  - Reasonable and Necessary
    - For COVID-19 declarations, FEMA will use Medicare rates as the basis to determine reasonable costs for eligible clinical care not covered by another funding source
    - Both patient payments and insurance payments are considered another funding source
- Example of Ineligible Work
  - Widespread screening for re-opening efforts



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# Facilities and Services

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Government Facilities and services including but not limited to courthouses, prisons, utilities, public housing, or recreation facilities, etc. when not performing eligible emergency work would generally not be eligible for the work or costs (see additional information below under schools, disinfection and PPE).

- Examples of Ineligible Work
  - Regular Cleaning
  - Increased costs of operating a facility or providing a service
  - Day to day operations of facilities
  - Re-opening of facilities



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# Facilities and Services (Continued)

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- Example of Ineligible Costs
  - Personal Protective Equipment (PPE)
  - Facility Retrofits/Engineering Controls
  - Technology for Virtual Support/Working from Home
  - Implementing social distancing or other community mitigation approaches in public places/facilities



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# Schools

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- Eligible Work
  - Staff and students at a public school are typically not carrying out emergency protective measures
  - If a school is performing an eligible emergency protective measure, such as, PA eligible emergency feeding, then the disinfection and the PPE required for the work area and the workers performing this task would be a reimbursable expense.



# Schools (Continued)

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- Eligible Work
  - If an eligible entity such as a school needed to disinfect per Public Health Office or CDC guidance due to a COVID exposure as the school was open prior to being shut down, then the disinfection and PPE required for the school and workers performing this task would be a reimbursable expense prior to September 15, 2020.



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# Schools (Continued)

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- Ineligible Work
  - School Meal Delivery that is not an approved PA emergency feeding
  - Day to day operations and re-opening work (i.e. disinfecting)
- Ineligible Costs
  - Distance Learning
  - Technology and Software for remote teaching/learning
  - PPE, cloth facial coverings, temperature scanning and temporary barriers for re-opening schools



# Private Non-Profits (PNPs)

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Eligible Both Pre and Post September 15<sup>th</sup>

- Applicant
  - Own/Operate an eligible facility that provides emergency, medical, or custodial care services
  - PNPs that have a formal agreement with a legally responsible State/Local/Tribal/Territory government to perform emergency work or provide emergency service (sheltering or food distribution)
- Work
  - Perform emergency, medical, or custodial care services for which they are legally responsible



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# Coordination of Funding

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- For COVID-19, Congress authorized over \$3 trillion to multiple federal agencies for them to provide assistance to SLTTs in addressing the effects of this public health emergency pandemic
- Given the multiple overlapping authorities and funding for the federal response to COVID-19, FEMA may provide PA funding to Applicants for eligible costs under the COVID-19 declarations that may also be eligible for funding under another federal agency's authorities



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# Coordination of Funding (Continued)

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- Contact tracing is potentially an eligible PA emergency protective measure, in coordination with the U.S. Department of Health and Human Services (HHS) and the Department of the Treasury (Treasury); however, FEMA has determined that those agencies are the most appropriate for SLTTs seeking funding for contact tracing



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# Disinfection

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- The clarified PA eligibility policy allows for the continued reimbursement of disinfection costs:
  - When necessary as an emergency protective measure in facilities where eligible emergency work or services are performed or provided, including medical care, non-congregate medical sheltering, emergency operations centers for COVID-19, and other eligible emergency services as listing in the policy
  - Includes purchase and provision of necessary supplies and equipment. Reimbursement is based on the costs necessary to address COVID-19 that are above regular operating costs and carried out pursuant to Centers for Disease Control and Prevention (CDC) guidance



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# Disinfection (Continued)

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- The clarified PA eligibility policy allows for the continued reimbursement of disinfection costs:
  - When necessary as an emergency protective measure in facilities where eligible emergency work or services are performed or provided, including:
    - Medical care
    - Non-congregate medical sheltering
    - Emergency operations centers for COVID
    - Other eligible emergency services as listing in the policy (CDC) guidance



# Disinfection (Continued)

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- Under the original policy, the disinfection of eligible public and private nonprofit (PNP) facilities when necessary to protect public health and safety in response to the COVID-19 emergency and pursuant to the direction or guidance of public health officials may be eligible for reimbursement
- Disinfection of facilities conducting other eligible emergency protective measures (e.g., medical care, non-congregate medical sheltering) are eligible under the original policy as they are under the updated policy



# Disinfection (Continued)

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- The original policy, consistent with the PAPPG, also included funding for limited disinfection of a broader range of facilities, such as: Courthouses, City hall, public transit, public housing, and schools during pre-closure operations, when it was necessary to protect public health and safety, such as disinfection from an exposure due to a confirmed COVID-19 positive or presumed COVID-19 positive individual, prior to September 15, 2020.



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# Disinfection (Continued)

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## Examples of Ineligible Disinfection:

- Funding for other facilities or for the resumption of regular operations is not eligible under the updated policy
- Facilities
  - Closed/Not in use
  - Closed for more than 7 days
  - Outdoor facilities



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# Disinfection (Continued)

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## Examples of Ineligible Disinfection:

- Facilities
  - Other Public Facilities (Courthouses, City Halls, Public Transit, Public Housing, Schools, Fire Houses, Police Departments) where there was no exposure to a confirmed COVID-19 positive or presumed positive individual.
- Costs
  - New technology not in CDC Guidance
  - Acquiring Supplies for re-opening or in preparation of the future





# Personal Protective Equipment (PPE)

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- The clarified policy will continue eligibility of PPE when necessary:
  - To conduct other eligible emergency work, including PPE for healthcare workers, patients with confirmed or suspected COVID-19 infection, and first responders
  - Funding for the stockpiling of eligible personal protective equipment (PPE) is limited to a supply that is projected for use for up to 60 days
- The original policy, consistent with the PAPPG, provided for the purchase and distribution of PPE when necessary
  - To protect public health and safety in response to COVID-19



# Personal Protective Equipment (PPE)

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- Pursuant to the direction or guidance of public health officials
- The purchase of supplies and commodities required for emergency protective measures includes personal protective equipment (PPE)
- Limited additional eligibility for PPE above what is necessary for medical care, custodial care, and medical sheltering may be eligible when it is necessary to protect public health, such as PPE necessary to conduct eligible disinfection work
- Under the original policy, not all PPE costs are eligible



# Personal Protective Equipment (PPE)

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- The original policy, consistent with the PAPPG, provided for the purchase and distribution of PPE prior to September 15, 2020 when necessary:
  - To protect public health and safety in response to COVID-19 and
  - Pursuant to the direction or guidance of public health officials
  - The purchase of supplies and commodities required for emergency protective measures includes personal protective equipment (PPE)



# Personal Protective Equipment (PPE)

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- Limited additional eligibility for PPE above what is necessary for medical care, custodial care, and medical sheltering may be eligible when it is necessary to protect public health, such as PPE necessary to conduct eligible disinfection work.
- Under the original policy, not all PPE costs are eligible



# Personal Protective Equipment (PPE)

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## Ineligible Work

- Work that is not directly related to the performance of otherwise eligible emergency work, or that is provided to individuals other than healthcare workers, patients with confirmed or suspected COVID-19 infection, or first responders (with the limited additional eligibility described on previous slides under PPE)



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# Personal Protective Equipment (PPE)

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- Ineligible Costs
  - Increased operating costs of government facilities/services including courthouses, prisons, utilities, public housing, or recreation, etc., including PPE
  - General distribution of PPE to all government sectors, all critical infrastructure workers, or to the public at large



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# Questions?

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