



MILLER & CHEVALIER CORONAVIRUS TASK FORCE: EMPLOYEE BENEFITS

As the providers of health benefits to their employees, employers are on the front line developing solutions to maintain the health of their workforce.

To address health benefits issues and risks arising from the spread of COVID-19, employers should re-familiarize themselves with provisions in their health plans concerning:

- ▶ Applicability of *force majeure* clauses to modify the provision of health benefits
- ▶ Discretion to interpret health plan provisions liberally in time of crisis
- ▶ Ability to cover drive-by COVID-19 testing
- ▶ Ability to offer COVID-19 testing without cost sharing
- ▶ Ability to obtain preventive care for asymptomatic employees with an HSA/HDHP, including masks and prophylactic antibiotic prescriptions
- ▶ Ability to obtain expanded telehealth services for employees on the company health plan
- ▶ Ability to obtain telehealth services for employees not on the company health plan and the Affordable Care Act implications of snap-on coverage
- ▶ Ability to modify provisions mandating travel to centers of excellence for access to plan benefits

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