

In This COVID-19 Update:

- Department of Labor Guidance on Leave Exemptions
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Department of Labor Guidance on New Leave Benefits Excludes Health Facility Employees

In response to AHCA/NCAL's advocacy to include nursing home, assisted living, and ID/DD staff in their definition of "health care provider," the Department of Labor has published guidance to address exemptions and employer requirements to the expanded Family Medical Leave Act and sick leave benefits included in the recently passed Families First Coronavirus Response Act. Of note, the Department's exemptions [FAQ](#) (see #56) states that the "health care provider" exemption to these new leave requirements applies to "anyone employed at any... nursing facility, retirement facility, nursing home, home health care provider... This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions." The exemption also applies to employees of contractors with the above institutions who "provide services or to maintain the operation of the facility." Employers with over 500 employees are also exempted. Please review this [FAQ](#) closely.

To minimize the spread of the virus associated with COVID-19, the Department encourages employers to be judicious when using this definition to exempt health care providers from the provisions of the FFCRA.

Additionally, the Department of Labor has posted an [Employer Fact Sheet](#) and an [Employer Notice Requirements FAQ](#).

AHCA Media Statement on Hospital to SNF Admissions

Multiple states are considering adopting an order similar to what was issued in New York that requires every nursing home to admit hospital patients who have not been tested for COVID-19 and to admit patients who have tested positive. AHCA has written a [media statement](#) on this issue and signed on to a joint [media statement](#) with AMDA.

Email COVID19@ahca.org for additional questions, or visit ahcancal.org/coronavirus for more information.

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