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## HHS TO ISSUE $25.5 BILLION IN COVID-19 PROVIDER RELIEF FUNDING

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*Foulston has produced a series of issue alerts as we continue to monitor the evolving COVID-19 situation and provide additional guidance. Please find all updates and our latest resources available here.*

On Sept. 23, 2021, the U.S. Department of Health and Human Services ("HHS"), through the Health Resources and Services Administration ("HRSA"), announced another application cycle for COVID-19 provider relief funding worth $25.5 billion. Applicants may apply for both the Provider Relief Fund ("PRF") Phase 4 and American Rescue Plan ("ARP") Rural payments.

A broad range of providers are eligible to apply for PRF Phase 4; however, they must have experienced changes in operating revenues and expenses from July 1, 2020, to March 31, 2021, due to COVID-19. HRSA's purpose for PRF Phase 4 is to promote equity and to support providers with the most need. Accordingly, HRSA will reimburse smaller providers who experienced changes in operating revenues and expenditures at a higher percentage compared to larger providers. HRSA will also grant "bonus" payments to providers based on the amount of services they provide to Medicaid, the Children's Health Insurance Program ("CHIP"), and Medicare patients, priced at the generally higher Medicare rates.

Providers that serve rural patients covered by Medicare, Medicaid, or CHIP may apply for the ARP Rural payments. Similar to PRF Phase 4, HRSA's purpose for ARP Rural payments is to promote equity, and it will price payments for ARP Rural payments at the generally higher Medicare rates for Medicaid/CHIP patients. HRSA determines eligibility for ARP Rural payments based on the patient's location, not the provider's location. Therefore, providers do not need to verify whether their patients live in rural areas. Instead, providers will simply select whether they and their subsidiaries would like to be considered for ARP Rural payments during the application process. Then, HRSA will distribute the payments based on data already available to it regarding the amount and type of Medicare, Medicaid, and CHIP services provided to rural patients.

To streamline the application process and minimize administrative burden, providers may use a single application to apply for both programs. Applicants may start applying on Sept. 29, 2021, and the application window will close on Oct. 26, 2021, at 11:59 p.m. ET. Providers that previously created an account on the Provider Relief Fund Application and Attestation Portal but have not logged in in more than 90 days must reset their passwords before starting the application process.

Providers can access an HHS video briefing session that provides further information about the upcoming application cycle here. HRSA will also host upcoming webinars with more guidance on navigating the application portal. The first webinar is offered Thursday, Sept. 30, 2021, from 3-4 p.m. ET, and providers can register here. The second webinar will be held on Tuesday, Oct. 5, 2021, from 3-4 p.m. ET, and providers can register here.

Providers can find a complete outline of the application process for PRF Phase 4 and the ARP Rural payments, including the documentation needed to apply and further eligibility criteria, here.

## FOR MORE INFORMATION

If you have questions or want more information regarding COVID-19 provider relief funding, contact your legal counsel. If you do not have regular counsel for such matters, Foulston Siefkin LLP would welcome the opportunity to work with you to meet your specific business needs. Foulston's healthcare lawyers maintain a high level of knowledge regarding federal and state regulations affecting the healthcare and long-term care industries. At the same time, our healthcare practice group's relationship with Foulston's other practice groups, including the taxation, general business, labor and employment, and commercial litigation groups, enhances our ability to consider all of the legal ramifications of any situation or strategy. For more information, contact **Brooke Bennett Aziere** at 316.291.9768 or baziere@foulston.com. For more information on the firm, please visit our website at **www.foulston.com**.

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