

COVID-19 – Minnesota's Response

Alert

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By Paul Cassidy

On Friday, March 13, Governor Tim Walz signed executive order 20-01, declaring a peacetime state of emergency in response to the spread of COVID-19 within Minnesota. The administration and various departments in the state are entering a heightened state of readiness and coordination to protect Minnesotans. This action is viewed as a "tool in a toolbox" that will allow the state to respond more quickly and effectively to the outbreak as developments around the virus continue. Walz continued to state that the systems are in place and prepared to deal with this illness, but the mechanisms of operation are given flexibility to be changed by this order.

The Minnesota Department of Health (MDH) will continue to provide guidance on how to best prevent the spread of COVID-19 within Minnesota and on management of health care resources. Governor Walz encourages all Minnesotans to continue their individual prevention efforts, and urges and advises Minnesotans to follow MDH guidance regarding hygiene, public gatherings, social distancing and health care use.

New recommendations from MDH accompanying this executive order:

- Large events of 250 or more should be postponed or canceled, including concerts, conferences, school performances or sporting events.
- Events with fewer attendees in rooms where social distancing is not possible should be canceled or moved.
- Events where most participants are at higher risk for severe illness, such as older residents and those with underlying health conditions, should be limited to 10 or fewer people.

COVID-19 – Minnesota’s Response

EXECUTIVE ORDER CLOSING SCHOOLS

On Sunday, March 15, Governor Walz announced another executive order authorizing and directing the commissioner of education to temporarily close schools from Wednesday, March 18 through Friday, March 27, to allow districts to plan for e-learning without students in the classroom.

EXECUTIVE ORDER CLOSING BARS, RESTAURANTS AND OTHER PUBLIC PLACES

On Monday, March 16, Governor Walz signed another executive order temporarily closing, or limiting the scope of service of bars, restaurants and other public service providers. Beginning no later than 5 p.m. on March 17, and continuing until March 27, the following places of public accommodation are closed to use and occupancy by members of the public:

- Restaurants, food courts, cafes and coffeehouses offering food or beverage for on-premises consumption, excluding institutional or in-house food cafeterias
- Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms and clubs offering alcoholic beverages for on-premises consumption
- Hookah bars, cigar bars and vaping lounges offering their products for on-premises consumption
- Theaters, cinemas, indoor and outdoor performance venues and museums
- Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios and spas
- Amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks and other similar recreational or entertainment facilities
- Country clubs, golf clubs, boating or yacht clubs, sports or athletic clubs and dining clubs

UNEMPLOYMENT BENEFITS

One of Governor Walz’s executive orders issued on March 16 ensures workers affected by the COVID-19 pandemic have full access to unemployment benefits. The order makes applicants eligible for unemployment benefits if:

- A health care professional or health authority recommended or ordered them to avoid contact with others.
- They have been ordered not to come to their workplace due to an outbreak of a communicable disease.
- They have received notification from a school district, day care or other childcare provider that either classes are canceled or the applicant’s ordinary childcare is unavailable, provided that the applicant made reasonable effort to obtain other childcare and requested time off or other accommodation from the employer and no reasonable accommodation was available.

COVID-19 – Minnesota’s Response

Governor Walz’s executive order waives the non-payable or “waiting” week to ensure applicants have access to unemployment benefits as quickly as possible, it also waives the ordinary five-week benefit limitation for business owners who have become unemployed as a result of COVID-19.

Finally, an important note for employers: your rates will not increase if your employees take advantage of unemployment insurance as a result of COVID-19 mitigation efforts. Employer experience ratings will not be impacted for those workers receiving benefits for the reasons listed above, but if a worker is separated from work and receives benefits for other reasons, the standard rules will apply and your rating will be affected.

COVID-19 LEGISLATION

On Tuesday, March 10 Governor Walz signed legislation into law that allots nearly \$21 million in funding for the state’s initial planning and response to the COVID-19 outbreak. This, however, was the tip of the iceberg for COVID-19 legislation. Before going on recess March 17, the legislature passed a \$200 million funding package for health care providers to help prepare for the influx of COVID-19 patients.

The \$200 million is split into two pools, both of which are accessible by care providers including hospitals, clinics, pharmacies, nursing facilities, health care facilities, ambulance services and settings in which assisted living services or health care services are provided.

\$50 million was added to the state’s public health response contingency account. This account has rules built in that will allow the money to get where it’s needed quickly; and \$150 million to create a health care response fund in the state treasury, which will be used to make grants to the beneficiaries. Any money left over on February 1, 2021 will be returned to the general fund and the section will sunset on June 30, 2022.

Notably, to receive grants under this fund, providers must agree to not to bill uninsured patients for the cost of the screening, testing or treatment. Further, the provider must agree to accept the median network rate as payment in full for the screening, testing or treatment provided to the patient and must agree not to bill the patient any amount in excess of the cost-sharing that would apply if the provider was in-network.

Legislative leaders also indicated they will come back to pass tax legislation to conform with any federal changes made to filing deadlines.

Based on the bill introductions of the past week, legislators have a variety of ideas on how to deal with the COVID-19 fallout for families, consumers and business. It is anticipated much of the discussions on these issues will wait until Congress passes its package of COVID-19 measures. Below is a list of bills/issues the Governor has asked the legislature to consider:

COVID-19 – Minnesota’s Response

- Providing emergency funding to ensure state resources are in place to address emergencies
- Removing financial and administrative barriers — such as waiving co-payments for testing, lab, office visits and urgent care — that may keep Minnesotans from being tested for COVID-19
- Creating a grant and loan program to respond to health care facility needs for training, equipment, transportation, and expansion of systems
- Provide access to emergency short- and long-term grants or cash for health care systems and facilities
- Allowing benefits to kick in immediately for employees who qualify for unemployment insurance because of COVID-19
- Allowing private-sector employees to use paid sick time benefits when taking time off work related to COVID-19

MINNESOTA STATE LEGISLATURE

The COVID-19 pandemic continues to impact the lives and routines of Minnesotans, which now includes short-term changes to how state government operates. It has been announced that the legislature will only meet in floor and committee sessions on an as-necessary basis from March 16 through April 14, with just consensus items being taken up on the House and Senate floors during that time. All gatherings will conform to prevention guidelines from the Department of Health. Legislators and their staff remain available to the public through electronic and other alternative means.

This is in many ways uncharted territory. The situation is very fluid, and the immediate time and attention of policy makers are focused on public health and any necessary disease-response legislation. Going forward, leaders are going to prioritize three categories of legislation: items related to COVID-19, proposals considered “mission critical,” such as a capital-bonding bill, and bills that have bipartisan support in the House and Senate.

For more information about recommendations and precautions regarding COVID-19, please visit the [State of Minnesota’s Public Health’s website](#), the [Centers for Disease Control and Prevention website](#) and [U.S. Department of State’s website concerning Travel Advisories](#).

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