Yesterday the Federal Emergency Management Agency (FEMA) published a fact sheet outlining the requirements private non-profit (PNP) organizations must meet in order to be eligible to apply for funding through the Public Assistance (PA) Program. The document describes two categories of eligibility that must be met to qualify: (1) requirements for the applicant (PNP) and (2) requirements for the work being done by the applicant.

- **Applicant Eligibility:** Requires proof from the state or federal government of non-profit status. PNP must also own or operate an eligible facility that provides an eligible service, which includes: education, utilities, emergency, medical, custodial care, and other essential social services.

  While private entities (including for profit hospitals) are not eligible for assistance, state, local, tribal, and territorial (SLTT) government entities may contract with private entities to carry out eligible emergency protective measures. Under such arrangements, FEMA will reimburse the eligible applicant for the cost of eligible work, and the applicant will pay the private entity for the provision of services.

- **Work Eligibility:** Emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be eligible for reimbursement under category B of FEMA’s PA Program. These eligible measures to protect life, public health, and safety are typically the responsibility of state, local, tribal, and territorial governments. However, a legally responsible government entity may enter into an agreement with a PNP to provide these services. In these situations, PA funding is provided to the government entity, which then pays the PNP for the cost of providing the services.

  Additional details describing eligible arrangements between PNPs and government entities are available in the fact sheet.

Earlier this week FEMA released a fact sheet describing eligibility requirements that emergency medical care activities must meet to be eligible for funding. In addition to applicant eligibility (as described above), the fact sheet lists specific work, facility, and cost eligibility requirements. It also discusses other considerations for emergency medical care eligibility such as time limitations for the completion of the work, public vs. PNP facilities, and emergency medical care vs. long-term treatment.

- **Facility Eligibility:** PNPs that own or operate a medical or custodial care facility are eligible for reimbursement of costs from FEMA under several scenarios: (1) costs related to patient evacuation when such an action is needed; (2) when essential components of a facility are urgently needed to save lives or protect health and safety, such as an emergency room of a PNP hospital; and (3) costs for emergency medical care, as described under “Other Considerations for Emergency Medical Care Eligibility” below.

- **Work Eligibility:** Must be necessary as a direct result of the emergency or major disaster and costs must be directly related to COVID-19 cases (e.g., emergency medical costs not related to COVID-19 are ineligible). The costs for personal protective equipment (PPE) for health care providers working in a hospital treating COVID-19 patients are eligible.

- **Cost Eligibility:** Assistance provided under PA must meet standard program eligibility requirements, including reasonable cost, procurement, and duplication of benefits requirements, as well as other applicable federal and state requirements. Local governments, tribal governments, nonprofits, and other non-state entities may proceed with new and existing non-
competitively procured contracts (more guidance available [here](#)). SLTT governments may contract with medical providers, including private for-profit hospitals, to carry out any eligible activity as described under “Other Considerations for Emergency Medical Care Eligibility” below.

Importantly, FEMA notes that **it cannot provide assistance under PA that is covered by another source of funding**, including assistance provided by HHS, the Centers for Disease Control and Prevention (CDC), or other federal agencies (e.g., the Public Health Emergency Preparedness Cooperative Agreement Program; the Public Health Crisis Response Cooperative Agreement; the Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases; and grants available from the HHS Office of the Assistant Secretary for Preparedness and Response). This also includes funding for emergency medical care costs if they are covered by another source, such as private insurance, Medicare, Medicaid, or other payment agreement. **Documentation will be required to verify that insurance coverage, or any other source of funding, has been pursued or does not exist for the costs associated with emergency medical care and emergency medical evacuations.**

- **Other Considerations for Emergency Medical Care Eligibility:**
  - Costs associated with the emergency medical care provided should be customary;
  - Allowable emergency medical care costs are eligible for the duration of the COVID-19 public health emergency (PHE);
  - Emergency medical care related to COVID-19 cases is eligible as an emergency protective measure for both public and PNP medical facilities; and
  - Long-term medical treatment is not eligible, including: (1) inpatient medical care costs for a COVID-19 patient; (2) follow-on treatment costs for COVID-19 patients beyond the duration of the PHE; (3) administrative costs associated with treating COVID-19 patients.

**Eligible emergency medical care activities include, but are not limited to:**
- Triage and medically necessary tests for COVID-19 diagnosis;
- Emergency medical treatment of COVID-19 patients and related medical waste disposal;
- Prescription costs for COVID-19 treatment;
- Use or lease of specialized medical equipment required for COVID-19 response;
- Purchase of PPE, durable medical equipment, and consumable medical supplies required for COVID-19 response;
- Emergency medical transport related to COVID-19; and
- Temporary medical facilities and expanded medical care facility capacity for COVID-19 for facilities overwhelmed by COVID-19 cases and/or to quarantine patients infected or potentially infected by COVID-19 (may also be used to treat non-COVID patients, as appropriate).

Medical sheltering is also eligible under the following circumstances:
- Sheltering must be conducted according to standards approved by HHS/CDC and must incorporate social distancing measures;
- **Non-congregate medical sheltering** (fact sheet) may also be eligible, subject to prior approval by FEMA (e.g., sheltering for those positive for COVID-19 who do not require hospitalization but need isolation, or asymptomatic, high-risk individuals needing social distancing); and
- Sheltering specific populations in non-congregate shelters should be done at the direction of public health officials and in coordination with the appropriate state or local entities.
We hope you find this information helpful. Please feel free to reach out with any questions.

**WHG Contacts for Inquiries**
Lauren Testa: lauren@wynnehealth.com; (724) 787-7299
Katie Pahner: katie@wynnehealth.com; (703) 615-6473