

### Information on Use of CARES Act Provider Relief Funds

The Provider Relief Fund was established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Paycheck Protection Program and Health Care Enhancement Act. The \$175 billion relief fund is designated to provide financial support to providers impacted by COVID-19 resulting in either necessary expenses or declines in revenue attributable to the coronavirus. Of the \$175 billion in relief funding thus far, \$50 billion was set aside for healthcare providers and distributed in two tranches as part of its general allocation distribution. The first \$30 billion was disbursed on April 10<sup>th</sup> and automatically deposited into the accounts of providers who frequently deliver services to Medicare beneficiaries. The remaining \$20 billion was disbursed beginning on April 24<sup>th</sup> and included an application process for others requesting additional funds.

The Provider Relief Fund disbursements can be used to support healthcare related expenses or lost revenue attributable to COVID-19 so long as the funds are used “to prevent, prepare for, and respond to coronavirus” and the terms and conditions applicable to the specific allocation are met. Assuming the terms and conditions are met, the [CARES Act specifically identifies a number of permissible uses](#): “funds appropriated... in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity.” Through a routinely updated FAQ document on its website, HHS has provided subsequent guidance further clarifying permissible uses in the context of necessary expenses and lost revenue. With respect to lost revenue in particular, HHS states: “providers can use Provider Relief Fund payments to cover any cost that the lost revenue otherwise would have covered, so long as that cost prevents, prepares for, or responds to coronavirus.” Specifically, HHS states that it “encourages the use of funds to cover lost revenue so that providers can respond to the coronavirus public health emergency by maintaining healthcare delivery capacity, such as using Provider Relief Fund payments to cover: Employee or contractor payroll, Employee health insurance, Rent or mortgage payments, Equipment lease payments, [and] Electronic health record licensing fees.”

There are specific terms and conditions associated with the general allocation [\\$20 billion](#) and [\\$30 billion](#) tranche as well as for all targeted allocations that practices must attest and agree to in order to keep the funding. The terms and conditions vary some depending on the allocation, but all require that the “payment will only be used to prevent, prepare for, and respond to coronavirus, and that the payment shall reimburse the recipient only for health care related expenses or lost revenues that are attributable to coronavirus.” Additionally, all practices may not use these funds to reimburse for expenses or losses that have been reimbursed from, or are otherwise obligated to be reimbursed by, “other sources.”

Practices that receive more than \$150,000 total in funds from any of the COVID-19 targeted litigation – not just from the Provider Relief Fund – will be required to submit reports and maintain documentation as determined by the Secretary of HHS. HHS has issued an [FAQ document](#) that includes more information about the use and documentation requirements associated with the Provider Relief Fund. This document reiterates the Department’s intention that it broadly views every patient as a possible case of COVID-19.

Specific guidance associated with the use and documentation associated with the Provider Relief Funds is limited; however, practices will need to prepare themselves for potential future audits. ASTRO will continue to monitor and alert members as more information is issued in the future.

The information provided in this document is designed to provide helpful information regarding the Provider Relief Fund. Practices with specific questions regarding the distribution or documentation requirements associated with the Provider Relief Fund should engage with legal counsel for further guidance.

More information regarding the Provider Relief Fund can be found at the following links:

HHS Provider Relief Fund website: <https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/index.html>

HHS Provider Relief Fund FAQs: <https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/faqs/index.html>