

FEMA Public Assistance and COVID-19 Testing

FEMA Public Assistance (PA) Program

In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”), eligible emergency protective measures taken to respond to the COVID-19 emergency to ensure public health and safety may be reimbursed under Category B of FEMA’s PA programⁱ. FEMA PA is currently authorized at a 75 percent federal cost share.

FEMA PA Program Eligible Applicantsⁱⁱ

- State, local, and tribal governmental entities legally responsible for ensuring public health and safety are eligible applicants under FEMA’s PA program for eligible work, including COVID-19 testing.
- Certain private non-profit organizations that own and/or operate medical facilities (e.g. hospitals, nursing homes) may be eligible applicants for purposes of COVID-19 testing of populations for which they are legally responsible.
- Private for-profit organizations are not eligible applicants under the FEMA PA program.

Eligible Work and Costs for COVID-19 Testing Sites through the FEMA PA Program

Eligible COVID-19 Testing under FEMA’s PA Program:

- **Community-Based Testing Sites (“testing sites”)** are strategically located sites within a community operated by the State, local or tribal governmental entity for the purpose of providing COVID-19 testing to members of the community. Private non-profit organizations are not eligible applicants for the purpose of seeking reimbursement for costs associated with community-based testing sites.
- **Testing Performed by Private Non-Profit Organizations** is limited to populations for which they are legally responsible under their owned and/or operated medical facility (e.g. hospitals and nursing homes).

Eligible Costs:

Costs must be reasonable and necessary based on the actual or projected needⁱⁱⁱ. Eligible costs for COVID-19 testing include, but are not limited to:

- Purchase and delivery of PPE and consumable medical supplies (testing supplies) necessary for COVID-19 testing;
- Medical waste disposal related to COVID-19 testing;
- Certain labor costs associated with medical staff providing COVID-19 testing; and
- Additional eligible cost categories for testing sites, including but not limited to, lease, purchase or construction costs, mobilization and demobilization costs, and certain operating and maintenance costs.

Duplication of Benefits

Pursuant to Section 312 of the Stafford Act, FEMA is prohibited from providing financial assistance where such assistance would duplicate funding available from another program, insurance, or any other source for the same purpose.

- FEMA will not duplicate assistance provided by HHS or other federal departments and agencies.^{iv}
- FEMA will not provide PA funding for COVID-19 testing costs funded by another source, including private insurance, Medicare, Medicaid/CHIP, other public insurance, a preexisting private payment agreement, or the COVID-19 Uninsured Program for uninsured patients.
- The Applicant must certify that it has not received and does not anticipate receiving assistance from these sources or any other source for COVID-19 testing costs.

ⁱ As of June 3, 2020, the period for submitting a Request for Public Assistance (RPA) to access FEMA funding is currently open. Interested Applicants should visit the COVID-19 section of the DHSES website at <http://www.dhSES.ny.gov/recovery/public/active-declarations.cfm> for further information on how to apply or reach out directly to the DHSES Public Assistance team at dhSES-PACOV1D-19@dhSES.ny.gov. FEMA may provide reimbursement for eligible testing sites through September 20, 2020 (Period of Performance for COVID-19) or until the end of the COVID-19 Public Health Emergency, whichever comes first.

ⁱⁱ FEMA Policy FP 104-010-04: https://www.fema.gov/media-library-data/1589208038530-19c77b9558076c303b4ebec5f0631697/PA_Medical_Care_Policy_for_COVID-19_508.pdf

ⁱⁱⁱ For testing sites, the projected needs (i.e., capacity and capability) must be supported by predictive modeling or other substantiating information used to determine the projected need.

^{iv} On May 18, 2020, the President clarified for States that they may use Coronavirus Relief Fund (CRF) dollars provided under the CARES Act to pay for FEMA's cost share requirements under the Stafford Act. As of June 3, 2020, NYS DHSES is awaiting guidance from FEMA regarding this policy.