



October 30, 2020

To our Valued Clients and Partners,

The predicted Fall case surge, or second wave, has taken hold in the US and globally. Since our newsletter last month, global cases have increased over 40% from 32 million cases to nearly 45 million cases with the US at nearly 9 million cases. The US has broken its daily case number record three times this week. The current [IMHE model](#) projects a 70% increase in deaths, or an additional 160K US souls lost to COVID-19 in the next 93 days compared to all deaths since the beginning of the pandemic.

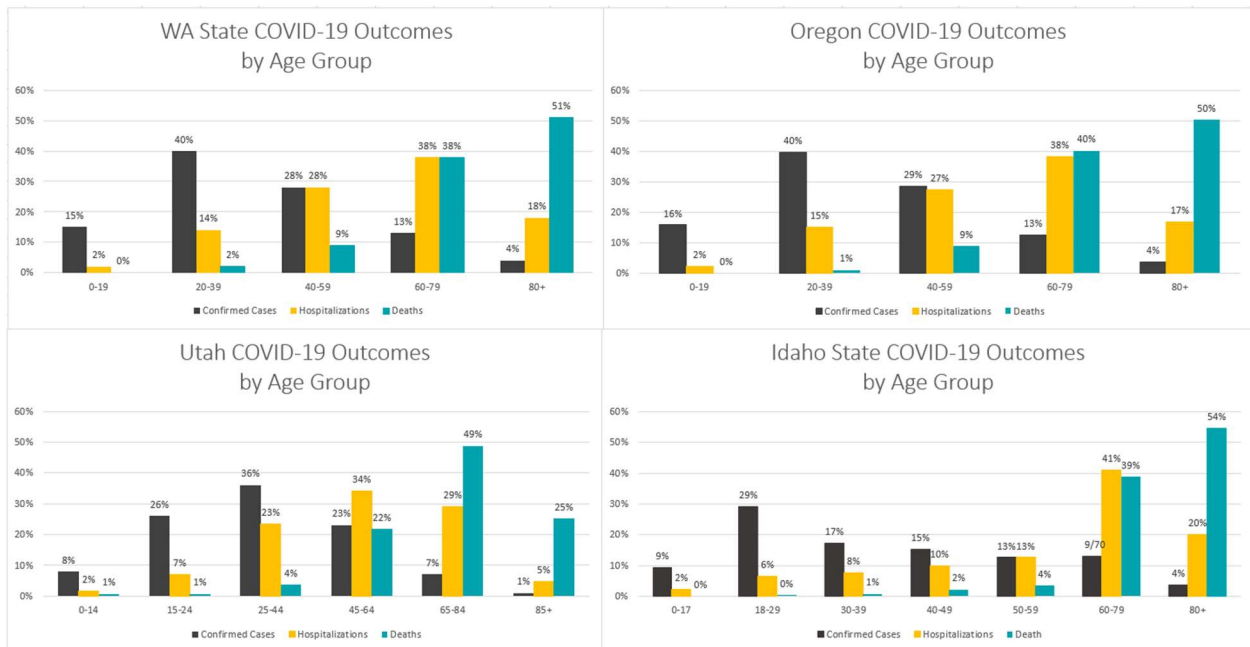
Testing Trends Across Our Membership

We continue to evolve and refine our COVID-19 reporting as new procedure codes are published and as providers resubmit claims with new codes. Currently, about 87% of our clients have at least one member with a confirmed COVID-19 diagnosis. Because not all testing is submitted as a claim, there are likely more positive cases across a larger span of our clients than we see in our claims data.

Across our membership, approximately 17.4% of our members have had at least one COVID-19 testing claim and approximately one-third of those tested have more than one testing claim.

Outcome Trends by State & Age Group Across Regional Covid-19 Positive Cases

Data culled from each our region's State COVID-19 health department data reporting websites as of today, continues to show that COVID-19 case prevalence is most rampant in people under 40 years of age. The hospitalization rate for younger people has increased over the last few months. People over 60 continue to bear the highest risk of hospitalization and death.



Treatment Claims Trends Across Our Membership

Approximately 6.5% of members tested have a positive COVID-19 diagnosis and nearly 8% of members with a positive COVID-19 diagnosis and a plan payment have required hospitalization. Less than 3% of members' COVID-19 treatment plan payments (per member) have been over \$10K and 88% of members' COVID-19 treatment plan payments are under \$1K.

We have refreshed our Q3 COVID-19 Client Impact reports with additional new data. Please contact your Account Manager if you would like to have your report sent to you or if you have any questions about the information in your report. We hope you find these reports helpful and we welcome your feedback.

Preparing for COVID-19 Vaccinations

We are getting more questions from our clients about preparing for vaccinations and their impact on the workplace. Employers want to avoid virus transmission in the workplace and COVID-related shutdowns. Some employers are wondering if they can require employees to get a COVID-19 vaccination once vaccines are available.

Employer-Mandated Vaccines?

Many school districts require students to have vaccines before setting foot in a school. Can employers also mandate vaccines? Will the current pandemic's public health threat outweigh legal precedents on the topic of mandatory vaccinations?

Because the Federal Government has yet to provide specific guidance about how employers can or cannot require COVID-19 vaccines for employees, we must look to historical and legal precedents for now. Such precedents indicate that employer-mandated vaccines may not be an option. During the H1N1 pandemic, the Equal Employment Opportunity Commission ("EEOC") said that both the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964 (Title VII) prohibited employers from compelling employees to be vaccinated for the 2009 H1N1 pandemic regardless of their medical condition or religious beliefs even during a pandemic. For comparison, according to the CDC, the H1N1 swine flu killed approximately 12,500 people in the US over a 12-month period, whereas COVID-19 is predicted to kill over 30 times as many people before vaccines could be available. While the EEOC did update its [pandemic guidance](#) in March 2020 to elaborate on the standard of 'direct threat' to public health and expand upon employers' rights to require COVID-19 screening or testing as a condition of employment, they have not yet modified their position on employer-mandated vaccines.

Other issues to take into consideration include employer liability for potential injuries to employees who have adverse reactions to the vaccine and/or potential complications with collective bargaining agreements that may not allow enforcement of such policies without union consent.

Some employees might be eager to get a COVID-19 vaccination, where others may have reservations for a variety of reasons, including safety and religious objections. It's understandable that a new vaccine, seemingly rushed to market compared to previous vaccine timelines, may trigger anxiety or fear for many individuals. **Education is a great path to mitigating fear.** Employers may want to provide objective information to employees regarding vaccinations. Encourage employees to obtain vaccines on their own or assist with easy access to vaccines rather than requiring employees to get vaccinated.

In addition, if you haven't yet published a **COVID-19 employee and workplace safety policy or guide**, this is a great time to do so. Best practice policies are customized to your specific employee population and workplace considerations. Most have provisions such as face mask requirements, remote work, or socially distant work either for all employees, or specifically for those who are unvaccinated. Please reach out to your Account Manager if you'd like to see a sample return to work guide. We are happy to share our own guide with you as a sample.

For those that have already published a workplace and employee safety guide or policy during this pandemic, set a regular cadence to review and update it to stay current with potential regulatory changes. Whether a new policy is put in place or not, employers should continue to follow general COVID-19 sanitization procedures and protocols as recommended by the CDC.

Finally, we are also receiving questions about the potential **costs for COVID-19 member vaccinations**. Based on current regulations, the cost for COVID-19 member vaccinations is likely to fall upon health plans. The federal CARES Act already requires health plan coverage of the vaccines, once available, without cost-sharing. We will continue to closely monitor progress on vaccine developments and swiftly notify clients when a viable vaccine is available.

Though we don't have any specific **timelines for when a vaccine will be available**, the CDC and several of the drug manufacturers currently conducting phase three trials are optimistic that a safe vaccine will be granted Emergency Use (EU) authorization within the next few months. The vaccines currently in development are likely to provide immunity duration similar to that of flu vaccines that need to be administered annually. Governors from WA, OR, NV, and CA announced a pact on Oct 27th to ensure independent experts review any COVID-19 vaccine released by the FDA for efficacy and safety. States and the CDC are currently evaluating vaccine equity and prioritization frameworks. We expect the first supply of vaccines to be limited to the most vulnerable.

Perhaps you have broader questions about how COVID vaccinations will affect your health plan. No matter what your questions are, it's likely that 2021 will include challenging decisions for employers. We will keep you updated through our newsletters as these emerging topics develop.

For more coverage of national and regional COVID-19 trends please visit our [website](#). We provide COVID-19 content for both members and employers/brokers. Just click on the COVID-19 banner at the top of our home page and then choose member, employer, or broker to view our latest updates and content. Our COVID-19 member updates page contains useful information and links to resources to address the most common member questions our Customer Care Advocates receive. Our COVID-19 employer/broker page includes this current update plus links to previous COVID-19 updates for your easy access.

Our focus, dedication, and support remain steadfast as we navigate these unique times with you. Know that our Care Management nurses are reaching out to those members diagnosed with COVID-19 to help them access the care and resources they need to recover safely.

Best Regards,

Lindsay Harris, MPP *President*

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