Dear Association Executives:

Attached please find a memorandum from our outside legal counsel regarding the definition of an excepted "health care provider" under the Families First Coronavirus Response Act.

This unprecedented pandemic presents unique challenges when interpreting legislative and regulatory language due to the volatility and speed at which changes are occurring. We hope the attached memorandum can provide National Council members with additional guidance when navigating statutorily required paid sick leave and/or expanded family and medical leave.

On page 3 of the memorandum, please note the interpretation of the term health care provider for purposes of exception as it relates to behavioral health organizations. Should additional guidance result in an alternative or adjusted interpretation, we will send an updated memorandum reflecting such.

Additionally, please note, on page 4, the importance of continuous monitoring of the Department of Labor guidance as well as the need for employers to carefully document their rationales for ALL leave decisions. Robust documentation will be imperative for employers who believe they have employees who are excepted from the statutorily required paid sick leave.

As always, it is important that National Council members consult independent legal counsel as they work through their options.

Thank you.

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