

Update on Congressional Action Coronavirus Legislation Package From the ADA

Washington — The Senate and House passed a coronavirus legislation package March 18 that includes three issues important to dentistry that was later signed into law by President Donald Trump.

HR 6201, the Families First Coronavirus Response Act, is the second emergency legislation package in response to the pandemic.

The ADA summarized some of the ways the bill could potentially affect dentists and their patients including three issues of most interest to dental practices: emergency paid sick leave; emergency expansion of family and medical leave; and tax credits.

The Association said that under the “sick leave provisions, dentist owners could be required — under certain circumstances — to pay two weeks of sick leave to employees. Those circumstances include:

- The employee is subject to a federal, state or local quarantine or isolation order.
- The employee has been advised by a health care provider to self-quarantine.
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- The employee is caring for an individual to which points 1 or 2 apply.
- The employee is caring for a child if the child’s school or place of care has been closed;
- The employee is experiencing any other substantially similar condition specified by the secretary of Health and Human Services in consultation with the secretaries of Labor and the Treasury.

The ADA also said that the bill also gives the secretary of Labor the regulatory authority to exempt small businesses with “fewer than 50 employees from the requirement to offer this leave to employees whose child’s school or daycare was closed due to the coronavirus when the imposition of such requirements would jeopardize the viability of the business as a going concern.

The ADA also noted the Association is part of a broad coalition of dental organizations that will be sending a letter to the Department of Labor requesting that dental practices of fewer than 50 employees be granted that exemption.

Under the family medical leave provisions, the ADA said “dentist owners could be required to pay for leave, but only for those employees who must care for their children because their school or child care center is closed” and pointed out that the Secretary of Labor “has the regulatory authority to exempt small businesses with fewer than 50 employees from this provision and our letter to the Secretary requests that exemption.”

Without the exemption, the ADA said that “those dentist employers — with employees who must care for their children because their school or child care center is closed — must provide up to 12 weeks of leave. The first two weeks are unpaid and the next 10 weeks are paid. However,

employees may opt to use the paid leave benefit or other accrued paid leave (vacation, sick or otherwise) during those first two weeks of unpaid time. The remainder of the 10 weeks would be paid leave provided by the employer to the covered employee.”

The ADA concluded by noting that the bill also provides employers with tax credits against payroll taxes to cover amounts paid under the new sick and family and medical leave benefits” which are “intended to help offset the cost to employers.”

The ADA also said that the Department of Labor will put out guidance on these provisions that will help guide businesses through the regulations and the Association will share this information with members as soon as it is available from the federal government.