

NOTICE OF MEETING OF THE MCLENNAN COUNTY COMMISSIONERS COURT

NOTICE IS HEREBY GIVEN that, in accordance with the Government Code, Chapter 551, (known as the Open Meetings Act), as amended, AN EMERGENCY MEETING OF THE COMMISSIONERS' COURT, the governing body of McLennan County, will be held on Thursday, the 19th day of March, 2020 at 10:30 a.m. in the Commissioners' Courtroom, 1st Floor, West Wing, McLennan County Courthouse, 501 Washington, City of Waco, Texas, at which time, the subjects below will be considered and potentially acted upon.

EMERGENCY AGENDA

A. Proof of Posting of Notice

B. Statement Identifying Nature / Cause of Emergency Situation that Requires Posting of This Emergency Agenda:

- 1. The emergent need to take further action regarding the pending state, local and national state of disaster created by COVID-19 after the Governor's latest request to counties, and based on continuously evolving information being received

C. Consideration of, and/or Action on, the Following Emergency Items:

- 1. Discussion and/or Action on Amendment and Extension of the Order of McLennan County Judge Declaring a Local State of Disaster and Public Health Emergency re: Covid-19
2. Discussion and/or Action on Order Addressing Employee Absences Resulting from Covid-19
3. Discussion and/or Action on other matters re: Covid-19

G. Executive/Closed Session

- 1. Section 551.071 of the Government Code (V.C.T.A.): An executive/closed session will be held so that the Commissioners Court can seek and receive legal advice from its attorneys regarding pending or threatened litigation, settlement offers, claims, or other matters for which the attorneys' duties to their client under the Texas State Bar Disciplinary Rules of Professional Conduct Conflicts with the Open Meetings Act (Ch.551, Gov. Code) if necessary for a subject contained on this agenda, and advice dealing with pending litigation, administrative claims or notices, and legal effects, liabilities, and legal options including but not limited to claims arising from Opioid Litigation, Civil Rights Cases, Tort Claims, or Other Pending or Threatening Litigation
2. Section 551.072 of the Government Code (V.C.T.A.): Regarding Real Property, including, but not limited to: (1) Right-Of-Way Acquisitions re: Expansion / Repair Project/s; and/or (2) Real Estate Purchase / Sale / Transfer / Trade / Offers to Purchase, Acquisition / Value / Donations of Real Property / Leases relative to Real Property, including, but not limited to, Potential Properties for Use by County / Public Facilities & Valuation of Current Property for Trade or Sale
3. Section 551.074 of the Government Code (V.C.T.A.): Regarding Personnel Matters including but not limited to: Personnel Review / Evaluation of Commissioners Court Appointed Department Heads; Employment, Appointment, Termination, Hearing Grievances Against Employees or Public Officials; Incentive Pay; Personnel Matters Identified in any Open Session Item if Necessary, and related matters
4. Section 551.076 of the Government Code (V.C.T.A.): Deliberations regarding Security Devices or Security Audits
5. Section 551.087 of the Government Code (V.C.T.A.): Regarding Economic Development Negotiations including, but not limited to (1) Discussion of Commercial / Financial Information Received from a Business Prospect/s; (2) Pending Negotiations / Potential Prospects and Projects; and/or (3) Discussion re: Offers of Financial or Other Incentives to Business Prospect/s

H. Adjourn

Signed this 19th day of March, 2020

Scott M. Felton
SCOTT M. FELTON, County Judge

STATE OF TEXAS \*
COUNTY OF MCLENNAN \*

I, J.A. "ANDY" HARWELL, County Clerk, and the Ex-Officio Clerk to the Commissioners Court, hereby certify that the above and foregoing is a true and correct copy of a NOTICE OF EMERGENCY MEETING posted by me at the Courthouse door in Waco, McLennan County, Texas, where notices are customarily posted this 19th day of March, 2020.

Witness my hand and seal of office at Waco, McLennan County, Texas the 19th day of March, 2020 at 9:10 a.m.

(SEAL) J. A. "ANDY" HARWELL, County Clerk
McLennan County, Texas

BY: Myranda Houston Perkins (Deputy)

Notice: Persons with disabilities in need of auxiliary aide or services may contact the County Judge's Office, (254) 757-5049, prior to the meeting date

J.A. "ANDY" HARWELL, County Clerk  
McLennan County, Texas

FILED: **MAR 19 2020**

By Myrcetez Gowan-Perkins,  
Deputy

**AGENDA: MARCH 19, 2020**

**B. Statement Identifying Nature / Cause of Emergency Situation  
that Requires Posting of This Emergency Agenda:**

1. The emergent need to take further action regarding the pending state, local and national state of disaster created by COVID-19 after the Governor's latest request to counties, and based on continuously evolving information being received

**Discussion Only**

**CD-553, 10:29**

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**DISCUSSION ONLY:**

**THE EMERGENT NEED TO TAKE FURTHER ACTION RE: THE PENDING STATE, LOCAL AND NATIONAL STATE OF DISASTER CREATED BY COVID-19 AFTER THE GOVERNOR'S LATEST REQUEST TO COUNTIES, AND BASED ON CONTINUOUSLY EVOLVING INFORMATION BEING RECEIVED**

On this the 19 day of March, 2020, came on for consideration the matter of The emergent need to take further action regarding the pending state, local and national state of disaster created by COVID-19 after the Governor's latest request to counties, and based on continuously evolving information being received. The Court discussed the Amendment and Extension of the Order of McLennan County Judge Declaring a Local State of Disaster and Public Health Emergency re: Covid-19.

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**AGENDA: MARCH 19, 2020**

**C. CONSIDERATION OF, AND / OR ACTION ON, THE FOLLOWING:**

- |   |                                 |
|---|---------------------------------|
| 1. Discussion and/or Action on Amendment and Extension of the Order of McLennan County Judge Declaring a Local State of Disaster and Public Health Emergency re: Covid-19 | <b>Approved</b>                 |
| 2. Discussion and/or Action on Order Addressing Employee Absences Resulting from Covid-19   | <b>Approved<br/>(See Order)</b> |
| 3. Discussion and/or Action on other matters re: Covid-19   | <b>Approved<br/>(See Order)</b> |

**CD-553, 10:46**

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**ORDER APPROVING:**

**ACTION ON AMENDMENT AND EXTENSION OF THE ORDER OF MCLENNAN  
COUNTY JUDGE DECLARING A LOCAL STATE OF DISASTER AND PUBLIC  
HEALTH EMERGENCY RE: COVID-19**

On this the 19 day of March, 2020, came on for consideration the matter of Action on Amendment and Extension of the Order of McLennan County Judge Declaring a Local State of Disaster and Public Health Emergency re: Covid-19. After discussion, Commissioner Jones made a motion to approve (Amendment and Extension of the Order of McLennan County Judge) and it was seconded simultaneously by Commissioner Miller and Commissioner Snell. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Miller, Commissioner Snell, Commissioner Jones and Commissioner Perry. It is ordered by the Court that said Authorization be, and the same is hereby, approved by unanimous vote.

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**ORDER AND DECLARATION OF THE MCLENNAN COUNTY COMMISSIONERS COURT EXTENDING THE COUNTY JUDGE'S DIASTER DECLARATION AND ORDER OF MARCH 18, 2020 AS AMENDED BY THE COMMISSIONERS COURT HEREIN, AND DECLARING A STATE OF DISASTER AND PUBLIC HEALTH EMERGENCY FOR MCLENNAN COUNTY, TEXAS**

**WHEREAS**, in December 2019, a novel coronavirus, now designated Coronavirus disease 2019 (COVID-19), was detected in Wuhan City, Hubei Province, China; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 as a pandemic and urged that all countries take urgent and aggressive action; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency regarding COVID-19; and

**WHEREAS**, on March 13, 2020, Governor Greg Abbott declared a state of disaster in Texas due to COVID-19; and

**WHEREAS**, on March 13, 2020, the Waco-McLennan County Public Health District ("Health District") continued to urge persons to cancel, reschedule, and/or not attend gatherings attended by more than 250 people and made other recommendations regarding social distancing; and

**WHEREAS**, on March 15, 2020, the Centers for Disease Control ("CDC") lowered the recommended number of persons at mass gatherings to 50 persons; and

**WHEREAS**, large gatherings of individuals pose a risk of the spread of COVID-19. COVID-19 spreads between people who are in close proximity to each other through respiratory droplets produced when a person coughs or sneezes. The CDC recommends that persons maintain a distance of six feet from others when possible; and

**WHEREAS**, limiting large gatherings is essential and proactive to prevent and slow down community spread of COVID-19; and

**WHEREAS**, the Waco-McLennan County Public Health District ("Health District") has strongly recommended canceling, rescheduling, or not attending non-essential events with more than 10 persons; and

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation; and

**WHEREAS**, extraordinary and immediate measures needed to be taken to respond quickly to prevent and slow down community spread of COVID-19; and

**WHEREAS**, on March 18, 2020, County Judge Scott M. Felton issued a disaster declaration and order restricting community gatherings (as defined herein) to 50 or fewer persons; and restricting the number of patrons in restaurants, bars and certain other businesses; and

**WHEREAS**, later in the day on March 18, 2020, Governor Abbott requested that all counties restrict restaurants to drive-through or take-out only, close all bars, and restrict community gatherings to 10 persons; and

**WHEREAS**, based on the Governor's request and the fact that there are now reported cases of individuals testing positive for COVID-19 in McLennan County, there is the need to take further action.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108:**

1. That the local state of disaster and public health emergency declared for McLennan County, Texas by the County Judge is hereby EXTENDED, and that the County Judge's Order is ADOPTED AND RESTATED except as AMENDED herein by this Court based on new developments. A local state of disaster and public health emergency in McLennan County is DECLARED.
2. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this Order and Declaration unless continued or renewed by this Court.
3. Although applicable to McLennan County, nothing in this order is intended to prohibit or shall prohibit a city in this County from ordering any measure allowed by Section 418.108 of the Texas Government Code, including stricter measures than are contained herein.
4. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.
5. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the County's emergency management plan.
6. Public or private Community Gatherings (as defined in Section 7 below) of more than 10 people are PROHIBITED anywhere in McLennan County. The uses in subsections (i), (ii), and (iii) of this section are not considered Community Gatherings, but are limited or prohibited as provided in subsections (i), (ii), and (iii):
  - (i) A restaurant with or without drive-through services; drive-through restaurant; microbrewery, micro-distillery, or winery **may only provide take out, delivery, or drive-through services as allowed by law.** No dine-in option shall be allowed;
  - (ii) A location with alcoholic beverage consumption for on-premise consumption, including a bar, lounge, or tavern, or private club **shall close until further notice;** and
  - (iii) Indoor recreational facilities, including a gym or health studio; indoor amusement facility, including a bowling alley or a pool hall; or theater (theatre) **shall close until further notice.**

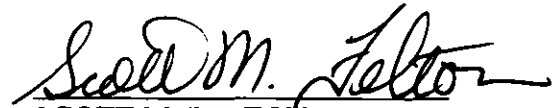


7. Definitions:

- a. For purposes of this Order, a “Community Gathering” is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, stadium (indoor or outdoor), tent, arena or event center, music venue, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
  - b. An outdoor “Community Gathering” under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within six feet of one another for extended periods.
  - c. For purposes of clarity, a “Community Gathering” does not include the following, or other similar uses, so long as the persons involved are generally not within six feet of one another for extended periods:
    - (i) spaces where ten (10) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
    - (ii) office space, public and private schools, institutions of higher learner, child-care facilities, residential buildings, or any type of temporary sheltering or housing;
    - (iii) grocery stores, shopping centers or malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within six feet of one another for extended periods: or
    - (iv) hospitals and medical facilities.
8. Government operations, including operations of the judiciary, and gatherings required to carry them out are not a “Community Gathering” under this Order.
9. Sections 6 and 7 **as amended** shall become effective at 11:59 pm on March 19, 2020; until then, the restrictions as set forth in the County Judge’s Order of March 18, 2020 shall apply.
10. The County will promptly provide copies of this Order by posting it on the County’s website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
11. That a violation of this order shall be a Class C misdemeanor and the penalty for violating this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense. That this declaration also hereby authorizes the use of any other lawfully available enforcement tools.

12. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

ORDERED BY THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS  
on this the 19<sup>th</sup> day of March, 2020.



SCOTT M. FELTON  
COUNTY JUDGE  
MCLENNAN COUNTY, TEXAS

ATTEST:



McLennan County Clerk  
or Designated Deputy Clerk

J.A. "ANDY" HARWELL, County Clerk  
McLennan County, Texas

FILED: **MAR 19 2020**

By Myrcetez Gowan-Perkins,  
Deputy

**ORDER APPROVING:**

**ACTION ON ORDER ADDRESSING EMPLOYEE  
ABSENCES RESULTING FROM COVID-19**

On this the 19 day of March, 2020, came on for consideration the matter of Discussion and/or Action on Order Addressing Employee Absences Resulting from Covid-19. After discussion, Commissioner Perry made a motion to approve the Policy (with the addendums mentioned by the council and also to authorize the council to make any necessary changes with regards to immune systems) and it was seconded by Commissioner Jones. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Miller, Commissioner Snell, Commissioner Jones and Commissioner Perry. It is ordered by the Court that said Authorization be, and the same is hereby, approved by unanimous vote.

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**AMENDED ORDER OF THE COMMISSIONERS COURT OF MCLENNAN  
COUNTY, TEXAS ADDRESSING EMPLOYEE ABSENCES RESULTING FROM  
COVID-19**

WHEREAS, President Trump has declared the spread of COVID-19 a national emergency;

WHEREAS, the emergent nature of this situation and its effect on employees justifies the Commissioners Court taking action to alleviate some of the stress and concern, to limit exposure, and to avoid employees coming to work with symptoms of the virus or after potential exposure because of the need to earn a living;

WHEREAS, this Court adopted a policy to address these matters, but it has become apparent that the policy must be more specifically stated.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF McLENNAN COUNTY, TEXAS THAT:

1. The Commissioners Court finds that a public purpose of the County is served by the actions taken herein, being the retention of County employees and preservation of the County workforce.

2. The Temporary Emergency Sick Leave Bank and Conditions of Use Policy is Amended as established below:

a) In order to provide relief to employees during this time, the McLennan County Commissioner's Court is creating a temporary emergency sick leave bank to provide paid time off to employees affected by COVID-19. This temporary emergency sick leave bank is usable for absences that began on March 16, 2020 and will be in force and available until April 21<sup>st</sup>, 2020 at which point Commissioner's Court will determine if this Court Order will remain in effect.

b) Eligibility for use of the Temporary Emergency Sick Leave:

- i. Parents and/or guardians that must stay home to care for children who have had a school or childcare closure; or for an employee serving as the primary care giver for an immediate family member with a higher risk of exposure (definition of primary care giver and immediate family member defined by the DOL/FMLA standards)
- ii. Employees voluntarily self-quarantining because they reasonably believe they have been exposed to COVID-19 or they display symptoms of the virus, can use this leave if telework is not an option for the employee, or have returned from travel to a Level 3 Country.
- iii. Employees over 65 who have a history of respiratory disease or have been diagnosed with a disease that increases susceptibility of the person to COVID-19.
- iv. Employees who have had a lung transplant, have been diagnosed with COPD or other recognized lung disease, or an employee undergoing chemotherapy.

- v. Sent home by H.R.
- vi. Family Medical Leave will be available to eligible employees who have actually received a confirmed diagnosis of COVID-19 and will be used in conjunction with the temporary emergency sick leave
- vii. A medical note will not be required after 3 days of absences related to illness to use temporary emergency sick leave
- viii. Eligible employees can use up to 10 work days of temporary emergency sick leave.

Further explanation:

"Reasonably Believe" means

- 1) You are living in the same household as a sick person with COVID-19; 2) You are caring for a sick person with COVID-19; 3) You have been within 6 feet of a sick person with COVID-19 for more than 10 minutes; 4) You have been in direct contact with secretions from a sick person with COVID-19; 5) You have traveled to an area where COVID-19 is spreading within the last 14 days.

What is **not** a reasonable belief:

- contact with an asymptomatic contact— employee comes into contact with another person who is not showing COVID-19 symptoms, but who has had contact with someone who has tested positive. In "contact of a contact" situations it is advised that the employee should self-monitor for fever or any symptoms of COVID-19 daily. If symptoms arise, the employee self-quarantines and contacts his/her supervisor and HR.
- Another matter that is not a reasonable belief of exposure is having contact with someone that has traveled to a Level 3 country but has no symptoms. Again, in this situation the protocol is self-monitoring and complying with social distancing, handwashing, and cleaning recommendations. If symptoms arise, the employee self-quarantines and contacts his/her supervisor and HR.
- Having a pre-existing health condition that has nothing to do with a respiratory condition except as otherwise provided herein.
- Fear of contracting COVID-19.

Use of Temporary Emergency Sick Leave must be approved by the employee's supervisor. The supervisor shall provide a short statement of the reason for the leaves' use on or with the applicable timesheet. **HOWEVER**, to monitor the use of this leave and protect against abuse the supervisor shall require the employee to complete a questionnaire provided by H.R. and send the completed questionnaire to H.R. immediately after completion. Medical information on the questionnaire should only be shared with H.R. H.R. shall confirm eligibility for leave under this policy and report its determination to the employee, supervisor and the Auditor's Office. This ***shall not affect*** the ability of the payroll to be paid based on the timesheet if the leave request cannot be stopped in time so that it will not interfere with payroll. However, if leave was improperly granted, the matter shall become a potential disciplinary matter for the supervisor, and/or the employee may have any days used charged against the employee's paid leave balances, and not against the temporary leave under this policy.

Temporary Emergency Sick Leave is only available to full-time employees.

If additional time becomes necessary due to COVID-19's effect on child care the employee may use accrued paid leave (sick, vacation, compensatory) after approval by his or her supervisor and notice to the Human Resources Department. The supervisor shall provide a short statement of the reason for the leaves' use on or with the applicable timesheet.

Passed this 19 day of March, 2020.

  
\_\_\_\_\_  
Scott M. Felton, County Judge

Attest:

J.A. "Andy" HARWELL, County Clerk  
McLennan County, Texas

  
\_\_\_\_\_  
By. Deputy County Clerk

J.A. "ANDY" HARWELL, County Clerk  
McLennan County, Texas

FILED: **MAR 19 2020**

By Myrcetez Gowan-Perkins,  
Deputy

**ORDER APPROVING:**

**ACTION ON OTHER MATTERS RE: COVID-19**

On this the 19 day of March, 2020, came on for consideration the matter of Action on other matters re: Covid-19. After discussion, Commissioner Jones made a motion to approve the Order of the McLennan County Commissioners Court Exempting "Certain Items" from the Requirements of Sec. 262.023, Local Government Code, as authorized by Local Government Code Sec. 262.024 (a)(1) & (2) and it was seconded by Commissioner Perry. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Miller, Commissioner Snell, Commissioner Jones and Commissioner Perry. It is ordered by the Court that said Authorization be, and the same is hereby, accepted by unanimous vote.

After further discussion, Commissioner Snell made a motion to approve (the purchase of two devices for the JP Office to magistrate remotely with the Jail; to be funded from the JP Technology Funds) and it was seconded by Commissioner Jones. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Miller, Commissioner Snell, Commissioner Jones and Commissioner Perry. It is ordered by the Court that said Authorization be, and the same is hereby, accepted by unanimous vote

Commissioner Miller then made a motion to approve the (Covid-19 testing at the full cost of the self-funded health plan inclusive of the legal protocols to determine eligibility for the tests) and it was seconded by Commissioner Jones. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Miller, Commissioner Snell, Commissioner Jones and Commissioner Perry. It is ordered by the Court that said Authorization be, and the same is hereby, accepted by unanimous vote

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ORDER OF THE MCLENNAN COUNTY COMMISSIONERS COURT  
EXEMPTING "CERTAIN ITEMS" from the  
REQUIREMENTS OF Sec. 262.023, LOCAL GOVERNMENT CODE,  
as authorized by  
LOCAL GOVERNMENT CODE SEC. 262.024(a)(1) & (2)

WHEREAS, Sec. 262.024 Discretionary Exemptions (a) a contract for the purchase of any of the following items is exempt from the requirement established by Sec 262.023 if the commissioners court by order grants the exemption:

WHEREAS, Sec. 262.024(a)(1) includes item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county;

WHEREAS, Sec 262.024(a)(2) includes item necessary to preserve or protect the public health or safety of the residents of the county;

WHEREAS, the Commissioners Court of McLennan County is of the opinion that it is in the best interests of McLennan County to grant such an exemption;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS THAT:

Effective March 19, 2020 through current or subsequent declaration(s) of emergency, the Commissioners Court of McLennan County by way of this Order, hereby exempts "(1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county;(2) an item necessary to preserve or protect the public health or safety of the residents of the county;" from the Competitive Requirements for Purchasing set out in Sec. 262.023, Local Government Code, as authorized by Sec. 262.024(a)(1) & (2) Local Government Code.

Passed this 19 day of MARCH, 2020



Scott M. Felton  
County Judge

ATTEST: J. A. "Andy" Harwell  
McLennan County Clerk



Deputy County Clerk

J.A. "ANDY" HARWELL, County Clerk  
McLennan County, Texas

FILED: **MAR 19 2020**

By Myrcetez Gowan-Perkins,  
Deputy



**From:** McGraw, Randy ([Randy.McGraw@hubinternational.com](mailto:Randy.McGraw@hubinternational.com)) <[Randy.McGraw@hubinternational.com](mailto:Randy.McGraw@hubinternational.com)>

**Sent:** Thursday, March 19, 2020 12:16 PM

**To:** Amanda Talbert ([amanda.talbert@co.mclennan.tx.us](mailto:amanda.talbert@co.mclennan.tx.us)) <[amanda.talbert@co.mclennan.tx.us](mailto:amanda.talbert@co.mclennan.tx.us)>; Stacy Brown ([stacy.brown@co.mclennan.tx.us](mailto:stacy.brown@co.mclennan.tx.us)) <[stacy.brown@co.mclennan.tx.us](mailto:stacy.brown@co.mclennan.tx.us)>

**Subject:** Coverage for COVID-19 testing and related treatment

Amanda

Here is a generalized statement that will be incorporated into the forma language. We will need collaborate with BS&W for the formal language. They seem to be inundated right now. Your plan already has the Medical Necessity Provision in it which states the services would have to be ordered by a physician.

Pursuant to the Families First Coronavirus Response Act, benefits for treatment and testing for COVID-19 will not be subject to any cost sharing provisions. This Plan will cover the test kit for patients who meet Centers for Disease Control (CDC) guidelines for testing, which can be done in any approved laboratory location.

All benefits provided under the plan are subject to the existing "Medically Necessary" provision of the Plan.

#### MEDICALLY NECESSARY

Medically Necessary shall mean services, treatment, supplies or drugs ordered or authorized by a Physician and which is determined by the Contract Administrator to be:

- 1) Provided for the diagnosis or direct treatment of an injury or sickness;
- 2) Appropriate and consistent with the symptoms and findings or diagnosis and treatment of the Covered Person's injury or sickness;
- 3) Provided in accordance with generally accepted medical practice on a national basis; and
- 4) The most appropriate supply or level of service, which can be provided on a cost-effective basis (including, but not limited to, inpatient versus outpatient care, electric versus manual wheelchair, surgical versus medical or other types of care).

Aetna reports these cost factors for the testing also. These would be their contracted rates. BS&W may vary slightly.

- HCPCS U0001: \$35.92 per test
- HCPCS U0002: \$51.33 per test
- CPT 87635: \$51.33 per test



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**Randy McGraw, C.E.B.S.**

Senior Vice President - Texas  
HUB International Texas, Inc.  
201 E. Main Dr., Suite 800  
El Paso, TX 79901

**Office:** 915-206-6052

[randy.mcgraw@hubinternational.com](mailto:randy.mcgraw@hubinternational.com)  
[hubinternational.com](http://hubinternational.com)

COVID-19 TESTING AT THE FULL COST  
OF THE SELF-FUNDED HEALTH PLAN  
INCLUSIVE OF LEGAL PROTOCOLS TO DETERMINE  
ELIGIBILITY FOR THE TESTS

APPROVED BY COMMISSIONERS COURT  
THIS 19 DAY OF MARCH 2020

*Scott M. Felton*  
COUNTY JUDGE

J.A. "ANDY" HARWELL, County Clerk  
McLennan County, Texas

FILED: **MAR 19 2020**

By Myrcetez Gowan-Perkins,  
Deputy

**ORDER ADJOURNING SPECIAL SESSION**

On this the 19 day of March, 2020, at 11:27 o'clock a.m. Judge Felton announced that the meeting of March 19, 2020 is adjourned.

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**APPROVAL OF MINUTES**

The above and foregoing minutes having been read in open Court and found to be correct, the same are hereby, approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**Kelly Snell,  
Commissioner Precinct 1**

\_\_\_\_\_  
**Patricia Chisolm-Miller,  
Commissioner Precinct 2**

\_\_\_\_\_  
**Will Jones,  
Commissioner Precinct 3**

\_\_\_\_\_  
**Ben Perry,  
Commissioner Precinct 4**

\_\_\_\_\_  
**Scott M. Felton,  
County Judge**

**ATTEST: J. A. "Andy" Harwell,  
McLennan County Clerk**

By \_\_\_\_\_ **Deputy County Clerk**

**Myrce'tez Gowan-Perkins**