

Israel Practice

COVID-19 INSIGHTS UPDATE

Holland & Knight COVID-19 Insights

September 2020

We trust you and your families are all well, safe and in good health. Holland & Knight in partnership with the Israel-America Chamber of Commerce keeps you updated on pertinent American-Israeli topics relating to legal considerations and federal funding opportunities in connection with the coronavirus (COVID-19).

We invite you to read the Alerts below and reach out to us to discuss your thoughts or any questions you may have on this issue. We also invite you to read [our Israel Practice Summer Newsletter](#).

More information is available on our [COVID-19 Response Team page](#).

Relevant Insights:

- [Negotiation and Drafting Issues Surrounding Force Majeure Provisions](#)

Force majeure provisions are often included in commercial contracts spanning a wide variety of businesses. The COVID-19 pandemic has spawned an epidemic of articles and alerts directed to using –



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or avoiding the use of – such provisions, as well as litigation developments and trends surrounding them.

- **Navigating Pre-Negotiation and Forbearance Agreements in the New Economy: Considerations for Lenders**

As a result of the COVID-19 pandemic, many businesses are struggling with paying back their loans. Lenders are facing difficult conversations and decisions regarding their borrowers. While foreclosure and litigation is a possibility, there are other options such as forbearance agreements that lenders should consider first.

- **CDC Order Suspends Nonpayment Evictions at Hotels**

The Centers for Disease Control and Prevention (CDC) has issued a nationwide order effective Sept. 4, 2020, suspending all nonpayment evictions until 2021 to prevent the further spread of COVID-19.

- **CMS Issues FY 2021 Inpatient Prospective Payment System (IPPS) Final Rule**

The Centers for Medicaid & Medicaid Services (CMS) has released the Fiscal Year (FY) 2021 Medicare Hospital Inpatient Prospective Payment System (IPPS) and Long Term Acute Care Hospital (LTCH) Prospective Payment System Final Rule, which will affect discharges occurring on or after Oct. 1, 2020. Notable provisions in the rule include the creation of a new Medicare Severity-Diagnosis Related Group (MS-DRG) for chimeric antigen receptor (CAR) T-cell therapy, the collection of market-based rate information beginning with cost reporting periods ending on or after Jan. 1, 2021, as well as changes to the new technology add-on payment (NTAP) pathway for certain antimicrobial products and other changes to new technology add-on payment policies.

This Holland & Knight alert provides a summary of some of the Final Rule's key components.

- **California Expands COVID-19-Related Paid Sick Leave in Emergency Budget Legislation**

California Gov. Gavin Newsom on Sept. 9, 2020, signed AB 1867, immediately expanding paid sick leave protections related to COVID-19. AB 1867 closes a loophole in the federal Families First Coronavirus Response Act (FFCRA) by mandating that employers with more than 500 employees provide supplemental paid sick leave. Under the new law, certain employees may be entitled to take up to 80 hours of paid sick leave for qualifying conditions.

About Our Israel Practice:

Holland & Knight is a U.S.-based global law firm with a strong commitment to the state of Israel. With an intimate understanding of the Israeli economic, political and social environment, members of Holland & Knight's **Israel**



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Practice Team provide a wide array of legal services to both Israeli clients operating abroad and companies and investors doing business in Israel. With more than 1,400 professionals in 28 offices, we are highly experienced in all the interdisciplinary areas necessary to guide entrepreneurs, investors, and startup or established companies through the opportunities and challenges that arise throughout the business or investment life cycles. Areas of legal guidance that are typically provided to our Israel Practice clients include real estate, mergers and acquisitions, private equity, international tax, cross border and customs, Internet privacy and cybersecurity, intellectual property, government lobbying, regulations and compliance, U.S. Foreign Corrupt Practices Act (FCPA), U.S. Foreign Account Tax Compliance Act (FATCA), and litigation and dispute resolution.

DISCLAIMER: Please note that the situation surrounding COVID-19 is evolving and that the subject matter discussed in these publications may change on a daily basis. Please contact your responsible Holland & Knight lawyer or the authors of these alerts for timely advice.

The information provided herein presents general information and should not be relied on as legal advice when analyzing and resolving a specific legal issue. If you have specific questions regarding a particular fact situation, please consult with competent legal counsel about the facts and laws that apply.

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