

NATIONAL CERTIFICATION COMMISSION FOR ACUPUNCTURE AND ORIENTAL MEDICINE

WORKING TOGETHER

Town Hall Meeting:

April 21, 2021 5:00pm PT | 7 PM CT | 8 PM ET









Introduction by

Mina Larson, M.S., MBA, CAE Chief Executive Officer, NCCAOM[®]

Olivia Hsu Friedman, DACM, LAC, Dipl. O.M. (NCCAOM)® Chair, ASA

Hosted by

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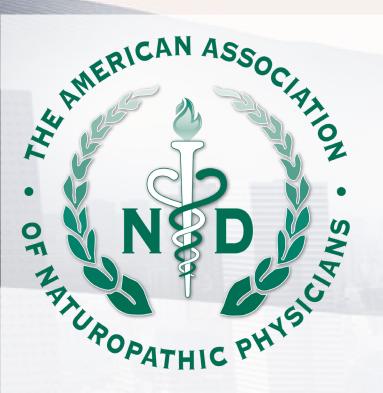
LiMing Tseng, Lac., Dipl. O.M. (NCCAOM)[®] Board Member At Large, ASA

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Quick Participation Tips



https://naturopathic.org/surveys/?id=ADA_TownHall





QUICK PARTICIPATION TIPS

- All Attendees are muted;
- You can ask questions using your dashboard. All questions will be answered during or after the meeting;
- To ensure proper attendance: attendee must be able to see this presentation and the dashboard on their device;
- Certificate of completion will be distributed within two (2) weeks from the even date.
- PDA Points will be reported to Diplomate's Recertification Transcript
- In addition, Certificates of completion will be uploaded to Diplomate's Portal in the Diplomate Benefits => My Learning Section



QUICK PARTICIPATION TIPS

- Attention family and friends: You can watch the presentation together, but each attendee must be logged into the session separately in order to receive PDA points;
- Attendees with improper registration information in red will not be receiving PDA Points

	Diplomate Name	NCCAOM ID #	
Correct	John Doe	12569	
Incorrect	Dr. John Doe	NCC12569	
Incorrect	John Doe, L.Ac.	12569FL	
Incorrect	John Doe	Doe12569	
Incorrect	John Doe, MSOM	12569	





Presenters

lan Jaquiss, Interim ADA Coordinator at Oregon Health and Science University David Bibbey, MSOM, NCCAOM Dipl Ac. (NCCAOM)[®], LicAc.

Sarit Hirschkorn











lan Jaquiss, Interim ADA Coordinator at Oregon Health and Science University





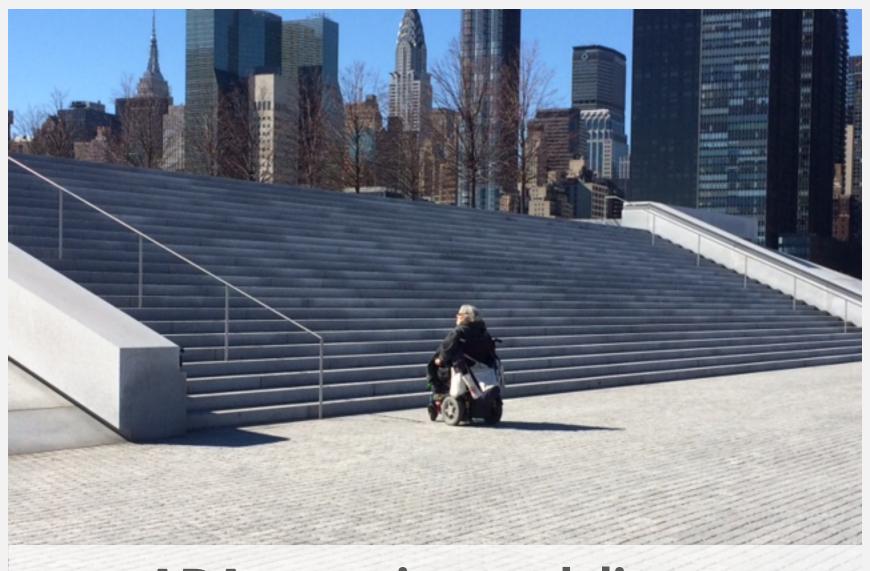


Disability Awareness In Practice

Ian Jaquiss,
Interim ADA Coordinator at
Oregon Health and Science University







ADA: promise vs. delivery

DISPARITIES IN HEALTH BEHAVIORS

Health Indicator	Disability	No disability	Source
Adults who engage in no leisure time physical activity	54.2%	32.2%	NHIS
Children and adolescents (considered obese (age 2-17)	21.1%	15.2%	NHANES
Adults who are obese (44.6%	34.2%	NHANES
Adults who smoke	28.2%	18.0%	NHIS

NHIS = National Health Interview Survey 2008

NHANES = National Health and Nutrition Examination Survey 1999-2010

NHIS = National Health Interview Survey 2010

When Arriving at a Medical Clinic:

What do you expect:

- Parking
- Path
- Entrance
- Easy access to services
- Not everyone expects that
- Some groups of people know they will not get any of that.

Accessible Medical Facilities

The ADA requires accessible:

- Doors
- Pathways
- Space to enter and turn around, lobbies and rooms
- Lifts
- Examination Tables
- Medical Equipment (scales, x-rays, machines, etc.)

The ADA does not require employees at those facilities:

- To be sensitive to the concerns of patients with disabilities
- To know how to talk about those concerns

Another way to think about disability

Disabilities have added to every life:

- 1. Curb Cuts
- 2. Automatic Doors
- 3. Wider bathroom stalls

You Are Welcome.



Recap

- People with Disabilities are, in general, less healthy than people without disabilities.
- Respectful, engaging conversation will patients with disabilities will lead to better outcomes for those patients.
- There may be tax benefits for ADA upgrades.

Thank You

Contact me

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David Bibbey, MSOM, NCCAOM Dipl Ac. (NCCAOM), LicAc.







ADA Web Compliance

David Bibbey,
MSOM, NCCAOM Dipl Ac. (NCCAOM)[®], LicAc.





Americans with Disabilities Act (ADA)

Federal & State Laws related to ADA Accessibility Standards for Public Websites

Presenter: David Bibbey, MSOM, Dipl.Ac, L.Ac

Founding Partner of Patient Data Protection, LLC HIPAA & ADA Compliance Software, Technology and Programming Solutions

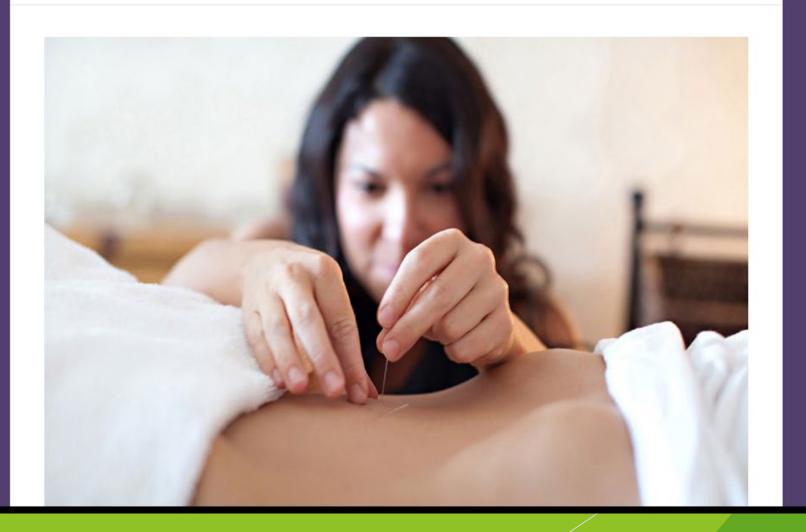
Outline: ADA Compliance 101

- Overview of ADA
 - ► ADA Title I V
 - ► Title III Emphasis
- Understanding
 - "Places of Public Accommodation"
 - "Accessibility"
 - Disability Assistance Software
 - ► W3C & WCAG 2.1 AA
- ► Complaint Letters, Lawsuits & Fines
- ► Installing, Monitoring & Updating Software
- ► Following the Law & Ethical Practice

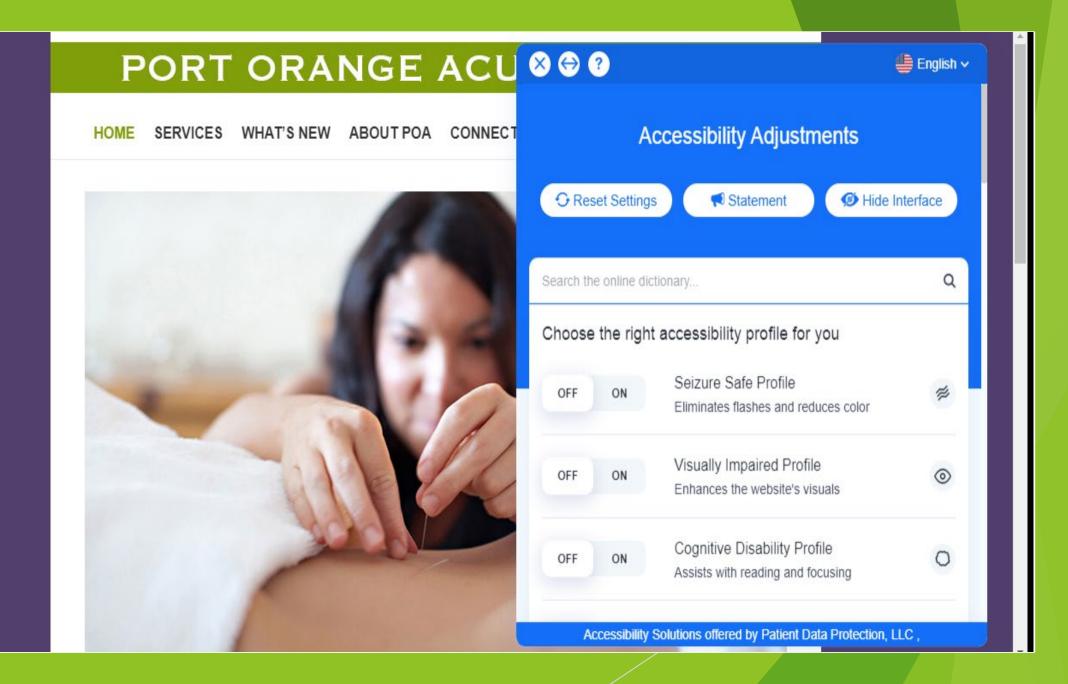
PORT ORANGE ACUPUNCTURE

HOME SERVICES WHAT'S NEW ABOUT POA CONNECT BUY INTAKE FORMS FAQS 📜









Overview of ADA

- ► The Americans with Disabilities Act (ADA) is a 1990 civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and in all public and private places that are open to the general public.
- ► The purpose of the law is to assure that people with disabilities have equal access, rights and opportunities as everyone else. The ADA is divided into five titles (or sections) that relate to different areas of public life.¹.

1. https://adata.org/factsheet/ADA

ADA Titles: Other Sections

- ► <u>Title I Employment</u>: Helps people with disabilities access the same employment opportunities and benefits available to people without disabilities; and it applies to employers with 15 or more employees.
- ► <u>Title II Public Services: State and Local Government:</u> Prohibits discrimination based on disability by "public entities" such as state and local government agencies; and requires public entities to make their programs, services, and activities accessible to individuals with disabilities.
- ► <u>Title IV Telecommunications:</u> Requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing or speech disabilities to communicate over the telephone.
- ► <u>Title V Miscellaneous Provisions:</u> Contains a variety of provisions relating to the ADA, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees.

Title III - Public Accommodations and Services Operated by Private Entities

- ► Prohibits <u>places of public accommodation</u> from discriminating against individuals with disabilities.
- "Places of public accommodation" include a wide range of businesses, like restaurants, hotels, theaters, health care providers, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers.
- ▶ Private clubs and religious organizations are exempt. (2)
- ► Title III generally sets the minimum standards for accessibility to new construction of commercial facilities and privately owned public accommodations.

^{2.} https://www2.ed.gov/about/offices/list/ocr/docs/hq9805.html

Title III - Public Accommodations and Services Operated by Private Entities (cont.)

- ▶ Directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities.
- Requires businesses to take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities.
- ▶ U.S. Department of Justice (DOJ) and its Office of Civil Rights (OCR) regulate ADA compliance and enforces laws on behalf of disabled Americans

What is "Accessibility"?

- ► The Department of Justice (DOJ) published the Americans with Disabilities Act (ADA) Standards for Accessible Design in September 2010. These standards state that all electronic and information technology must be accessible to people with disabilities.
- "Accessibility" in general describes using design and software to eliminate barriers for people with disabilities to access and navigate physical and virtual spaces in a business entity or gov't agency.
- "Accessibility design" is used to eliminate physical and technology barriers for people with a disability.
- ► The purpose of accessible design and function is to establish greater inclusion and equal access to products, services and information for all consumers.³
- 3. https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards.htm

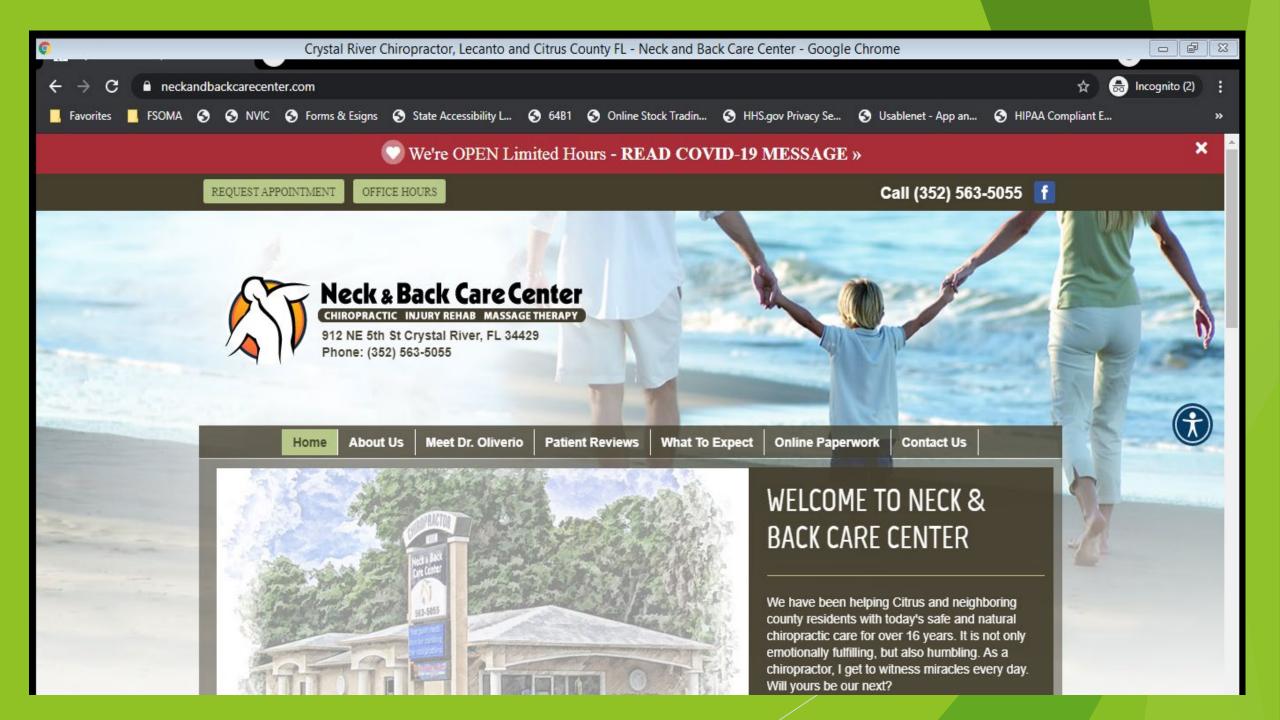
Accessibility in Virtual Spaces

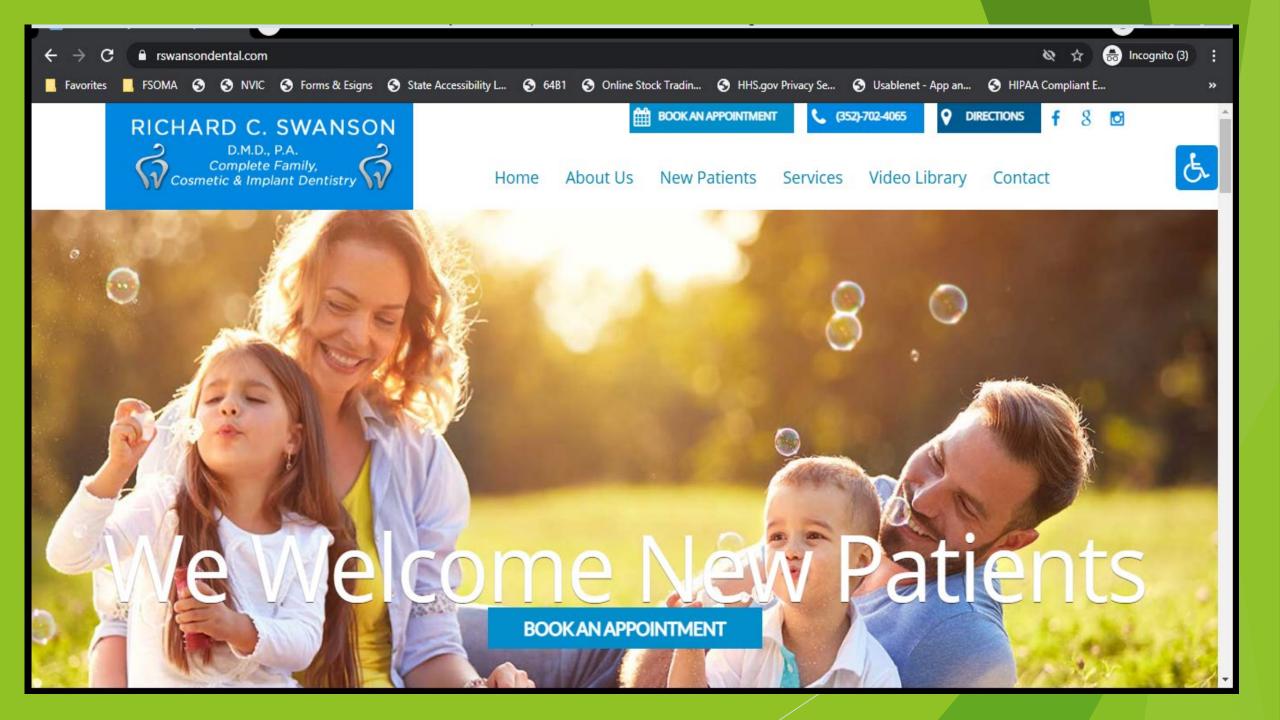
- ► For the past 5 years a battle has been playing-out online and in the courts, where many businesses are questioning whether they must make their websites and mobile apps ADA accessible and Disabilities Rights Advocates are tenaciously insisting they do.
- ► Currently, the ADA contains NO technical standards for website developers or businesses to follow to make websites conform to the ADA requirements.
- ▶ But the Federal Courts have consistently interpreted the ADA in deciding cases in favor of plaintiffs protecting disabled persons' rights to internet/website access and usability under ADA protections. (4)

4. https://mashable.com/article/americans-with-disabilities-act-website-accessibility/

Does my Website have to comply with the ADA Accessibility standards?

- Self Test: Ask yourself?
 - Does my practice/business have a public website? If yes, then YES
- ▶ Where is this written in the law?
 - ► Federal Law ADA Title III specifies that 'places of public accommodation" must be accessible for those people with disabilities. Federal Court includes Websites
 - ► State Law:
 - ► CA: The Unruh Act: This requires that all persons within California are treated equally, including for any facilities, services, or business establishments. Fine: \$4000/incident; and the California Consumer Protection Act (CCPA) requires that businesses provide notices to consumers, in an accessible and understandable format, regarding use of their personal information, and affords guidance to the how consumers can control personal information. Fine: 7,500





Disabilities that require website accessibility support

- People with impaired vision and hearing loss in the United States number nearly 8 million. 6.6 million more people identify as deaf or hearing impaired. So, magnification, brightness settings, transcriptions, and captions are necessary for these individuals.
- Those with cognitive & learning difficulties: age can be a factor for recalling large amounts of information, as well as educational levels, so uncomplicated web page layouts and the removal of animation and automated videos are helpful for dyslexia and Attention Deficit Hyperactivity Disorder (ADHD).
- ► Emotional & behavioral disabilities: page layouts, sentence structure, white space, and much more help users perceive information and stay on task with websites or apps.
- Permanent or temporary brain injuries & neurological diseases: we may take it for granted that everyone uses a mouse, pointer, or touch screen to navigate. Audible software and keyboard tab navigation are just two examples of alternative and inclusive web access.

Disability Assistance Software

- Keyboard Access: Keyboard equivalents for mouse actions, documentation for keyboard functions, and logical tabbing order.
- Screen Elements: Descriptions and labels for elements, placed nearby to the elements.
- Sounds: Visual cues and format options in addition to audio files, plus show sounds functionality. In-sync captioning for videos on site.
- ▶ <u>Display + Color</u>: Color is not the only way used to differentiate items or navigation, and display allows for removal of patterns or flashing elements.
- ▶ <u>Documentation</u>: Manuals and documentation are available in electronic format as well as ASCII text file.
- ► <u>Alt Text</u>: Ensure images include alt text and descriptions associated with them.
- Transcripts: For podcasts and other media

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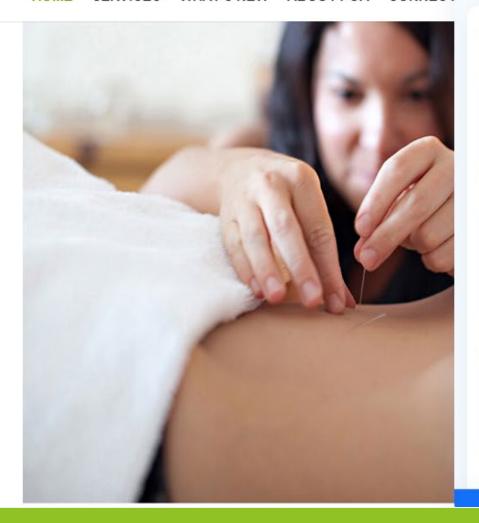








HOME SERVICES WHAT'S NEW ABOUT POA CONNECT



Color Adjustments



Dark Contrast



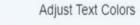
Light Contrast



Monochrome



High Saturation





Cancel



High Contrast

Adjust Title Colors



Cancel

Accessibility Solutions offered by Patient Data Protection, LLC

What is the Website Accessibility Tech Standard: WCAG 2.1 AA?

► Web Content Accessibility Guidelines (WCAG) are updated periodically, and to include the newest technical standards websites must meet to be compliant.

- ▶ Public websites must be:
 - ▶ Perceivable
 - ▶ Operable
 - ▶ Understandable
 - ► Robust

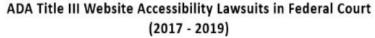
WCAG 2.1 AA Has Become The Prevailing Standard

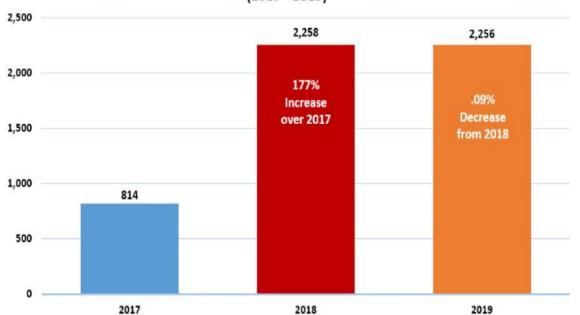
over 75%

of all Federal claims now reference WCAG 2.1 AA, which adds 12 additional success criteria above 2.0 AA.



Home About Authors Resources Q





[Graph: ADA Title III Website Accessibility Lawsuits in Federal Court 2017-2019: 2017: 814; 2018: 2,258; 2019: 2,256. *The number of cases that could be identified through a diligent search.]

In fact, the number of federal ADA Title III website accessibility lawsuit filings decreased in the fourth quarter of 2019, contrary to our <u>prediction</u> that the U.S.

Supreme Court's refugal to review the Ninth's Circuit's are plaintiff decision in

Criticisms of "Quick-Fix" Website Accessibility Products Highlighted in New Lawsuit

Crystal Ball 2021: Our Predictions for the ADA Title III Legal Landscape

No More Friendly Skies for Emotional Support Animals

Topics

Select Category

Archives

Select Month

Links & Resources

Complaint Letters, Lawsuits & Fines

- ► In 2020, there were approximately 2,200 new ADA Website lawsuits filed in the US, mostly in CA, NY and FL, but most states are seeing these cases.
- ► The steep increase in new ADA website accessibility cases flattened between 2018-2019-2020, mostly due to COVID, but about 50 new cases are still filed each week, affecting many States across the country.
- ► Over 25% of all website lawsuits are "re-suits" where a company is not being sued for the first time.[9]
- ▶ [9] https://www.slideshare.net/Usablenet/beyond-ada-compliance-realworld-strategies-to-mitigate-legal-risk

Complaint Letters, Lawsuits & Fines REALITY CHECK

- Most healthcare providers will never be served a lawsuit or demand letter, but following the law is required and not optional.
- ► Unfortunately, navigating physical and technical accessibility barriers is a daily reality for people with disabilities.
- ► By voluntarily following the ADA law, you create a more inclusive practice and avoid the cost and embarrassment of a legal challenge or fine.

What if I receive a Complaint Letter?

- Complaint and Demand Letters from an ATTORNEY usually contain a quick settlement offer
 - Example: Pay \$4500 plus attorneys' fees today and we will drop the lawsuit against you. Otherwise, additional legal will apply and see in court.
- ► CA has State Consumer Protection and ADA Technology Accessibility laws. 10
 - ► State fines \$4000-\$7500 per incident
- ► ADA Accessibility complaints resulting in DOJ investigation usually result in a mitigation hearing with or without fines, but when fines are accessed, these can be \$\$\$:
 - ► Federal Law: 1st offense \$75,000
 - ► Federal Law: 2nd offense \$150,000

10. California Unruh Fact Sheet.pdf

Complaint Letter: What's next?

- ▶ Do not ignore the letter Ignoring the issue will lead to bigger problems requiring more time and money.
- Seek legal counsel Call your attorney, so they can fully research the complaint.
- Contact your ADA Software Provider (hopefully you have one) - They will conduct an ADA Website Accessibility Audit using Automated and Manual testing of your website. <u>Identify any ADA issues and fix ASAP</u>
- ▶ Document a website remediation plan that illustrates what steps you have taken and your timeline for WCAG 2.1 AA compliance and ADA conformance.

Following the Law - Ethical Practice

- ► The courts have already ruled that ignorance of the law is no excuse for not complying with the ADA by providing accommodations/accessibility software where needed.
- ▶ The ADA is not a new law...it's been around for 30+ years.
- ► Website Accessibility is not a new issue...the increase in investigations and lawsuits have just elevated this topic.
- ► Ethical Practice requires providers to follow the law and to be proactive in making their practices compliant and more inclusive
- ► Technology Accessibility requires effort and investment: Being attentive is your best compliance strategy.

Installing, Monitoring and Updating Accessibility Software

- Several companies develop and update Accessibility Software that can be downloaded.
- Computer programming knowledge is needed to manually install this software.
- ► Additional hand-coding (website programming) is required to achieve full ADA conformance.
- If you have no experience with computer programming, then hiring a trusted expert to install, monitor and update your website accessibility system is your best option.
- ▶ Getting started on ADA compliance with a professional that will install, monitor and update your ADA software starts at less than \$49 monthly.
- ▶ Plan and budget annually for hand-coding updates \$100-\$300yr

Installing, Monitoring and Updating Accessibility Software

Your software installer should be running compliance audits on your website to identify content that needs additional software coding updates for ADA conformance, including:

- page and tab headings
- image and object descriptions
- video closed captioning
- PDF conversion
- templates and forms
- ► ARIA landmarks
- Navigation
- ▶ Plug-ins.



► ADA Website Compliance is a continuous quality improvement process

Thank you Everyone for viewing - joining Comments and Questions??

- Click Here FREE ADA Website Audit/Report
- There is no cost/obligation to review your audit/report: Discounts are Available for Professional State Association Members. Thank you for your supporting your State Assoc.
- Questions for David Bibbey, MSOM, Dipl.Ac, L.Ac <u>david@patientdataprotection.com</u>
- Special thanks: ASA and NCCAOM for hosting Town Hall
- Conflict of interest statement: David Bibbey, L.Ac is a founding partner of Patient Data Protection, LLC a technology consulting company that sells software as a service (SaaS) licensed by subscription for use with HIPAA Privacy & Security Rule compliance, ADA Website Accessibility compliance and related software services.

Disclaimer:

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NATIONAL CERTIFICATION COMMISSION FOR ACUPUNCTURE AND ORIENTAL MEDICINE

Sarit Hirschkorn







ADA Issues With Insurance Credentialing

Sarit Hirschkorn



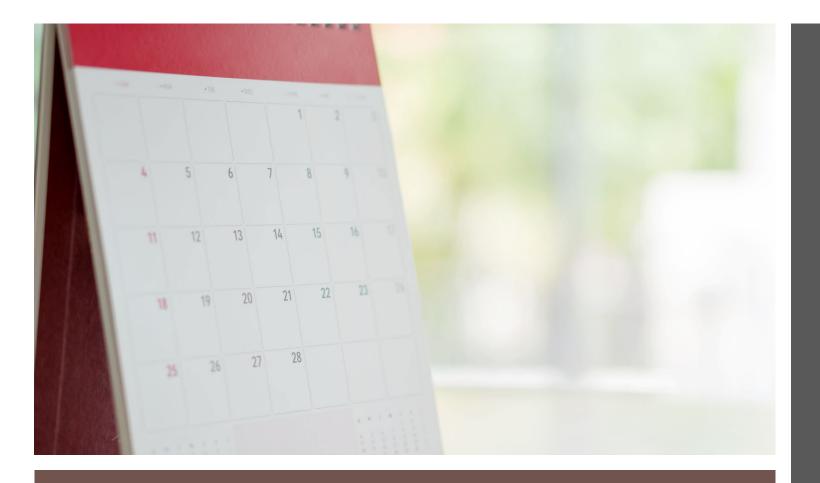




AllAcuServices, LLC billers@allacuservices.com 201-621-5457

Introduction

 Co-founder / co-owner of AllAcuServices, LLC, a company specializing in insurance billing services for Acupuncturists, Massage Therapists, Naturopathic Doctors, Chiropractors, Physical Therapists, and Social Workers. After spending nearly two decades working in corporate benefits outsourcing for multimillion dollar companies such as PriceWaterhouseCoopers, ACS, and Mellon Bank, Sarit now applies her deep knowledge and understanding of the insurance industry to the field of insurance billing for holistic healthcare providers.



- Credentialing /Insurance
- What is required?
- Impact
- Does your biller have to be ADA Compliant?

Agenda

What is Credentialing?

 Credentialing is the process of obtaining, verifying, and assessing the qualifications of a practitioner to provide care or services in or for a healthcare organization. Credentials are documented evidence of licensure, education, training, experience, or other qualifications.



Apply

Process



Provide documentation



Get Approved

Address:						
Cit	y State Zip:					
Telephone:						
1.	Do you have formal training and/or experience treating adults/children with special needs including persons with physical, mental, substance abuse or developmental disability		□ No			
	Please indicate your training/experience with the following: Developmentally Disabled? Blind? Deaf? Non-Ambulatory? Non-Verbal? HIV/Aids? Aged?	☐ Yes	□ No□ No□ No□ No			
	If you answered "Yes", please explain:					
2.	Do you have a specific area of interest or expertise	□Yes	□No			

Part I

This section must be completed by all providers.

1.	Number of staff members (includes all medical professionals, members or partners of the professional association, technicians and support staff), employed at this office:			
2.	Year when the building in which provider's office is located was constructed:			
3.	Floor(s) of building on which provider's office is located:			
4.	Please answer following questions regarding architectural accessibility to provider's office:			
	a) Is handicap parking available? [Parking for disabled persons must be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building accessible parking spaces should be located on the shortest route to an accessible pedestrian entrance to the parking facility. When buildings have multiple accessible entrances we adjacent parking, accessible parking spaces should be dispersed and located near the accessible entrances which should be level as possible with surface slopes not exceeding ¼ inch per foot in all directions. Each parking space should be marked we an R708 sign from the Manual of Uniform Traffic Control Devices displaying the International Symbol of Accessibility. The bottom edge of the sign shall be mounted approximately 60 inches above the parking lot surface. See sample attached.]			

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	must be van-accessible. Spaces that provide van access must have an access aisle at least 8 feet wide. The number of spaces for disabled persons that must be provided is determined by the total number of parking spaces available. For example:		
	1 – 25 spaces	[See ADAAG, 4.6]	
b)	barrier-free? [The path of travel should be continuous, barrier-free and slip-resistant. Curb ramps (also k wherever an accessible route crosses a curb. It is important that transitions to curb ramps be impede the momentum needed to propel a wheelchair up a slope. The running slope of a curb.	om the parking lot to the entrance of the building in which the provider's office located Yes No nould be continuous, barrier-free and slip-resistant. Curb ramps (also known as curb cuts) are required alle route crosses a curb. It is important that transitions to curb ramps be flush. Lips at the bottom of ramps in needed to propel a wheelchair up a slope. The running slope of a curb ramp cannot exceed 1:12. The of a curb ramp is 36 inches. It is also important that parked cars, lampposts, utility poles and other elements as not obstruct connecting accessible routes. See ADAAG, 4.7]	
c)	Is there street-level access or an accessible ramp into the building in which the provider's office is located? [Where the running slope of an accessible route is more than 5%, it is considered a ramp. Slope and length determine a ramp's usability. A maximum slope of 1:12 is recommended, but the "least possible" slope is encouraged. Slopes should be consistent along the full length of the run. The minimum clear width for ramps is 36 inches and is measured between the leading edge of the handrails. Handrails with a diameter of 1 ½ to 1 ½ inches are required on both sides for ramps with a rise of more that 6 inches or a horizontal length of more than 72 inches. Covering ramps with a canopy or roof is not required but should be considered to protect the ramp from becoming wet or icy. Landings at the top and bottom must be at least 60 inches long for maneuvering space. See ADAAG, 4.8]		
d)	If the provider's office is not on the first floor, is the office served by a working of by a wheelchair or motorized scooter? [The call buttons for the elevator should be no more that 42 inches high. The elevator should indicators and the controls should have raised and Braille lettering. See ADAAG, 4.10]	□Yes □ No	
e)	Are the provider's office and other patient areas accessible by wheelchair and motorized scooter?		

Standard accessible spaces must have an access aisle at least 5 feet wide, and at least one of every eight accessible spaces

Joining the network

Kaiser requires an ADA form for all new providers

Aetna, Cigna, Horizon, UHC only required when a provider is signing up for Medicaid plans

Medicaid plans: Fidelis, Healthpartners, Healthfirst etc... Can you still join the network without completing the ADA form?



Providers can join the network.



There will be some plans that providers may not be able to join



- 200% increase in lawsuits and demand letters from 2017 to 2018
- DOJ affirms ADA applied to websites by November 2018
- Over 150,000 demand letters served to businesses since 2017
- 93% of demand letters settle outside of court for \$20,000 - \$150,000 on average
- 7% of businesses fight and lose in court

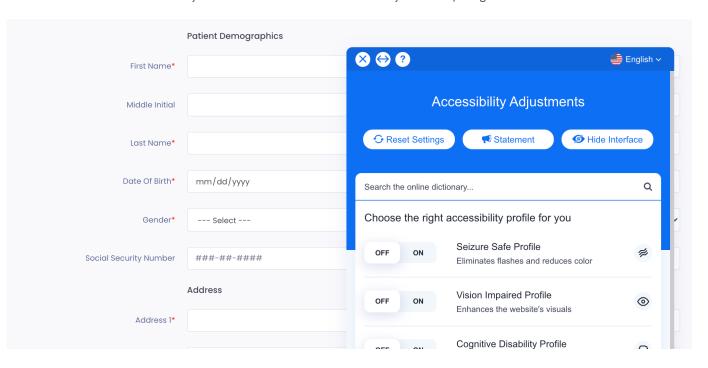
http://allacuservices.com/

Several of our clients have reached out to us out with concerns over this law as web accessibility lawsuits have increased in almost every industry, targeting businesses of all sizes.

Let us check your insurance

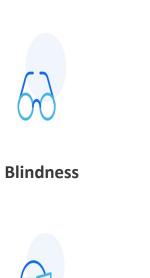
Please Note: Staff is not automatically alerted when your insurance is verified.

To confirm your benefits email or call the office in 2 days after completing the form below



Web accessibility and ADA compliance | What is web accessibility

"Web accessibility is a set of rules, behaviors, code standards and design guidelines, that are meant to allow people with disabilities to effectively use websites"

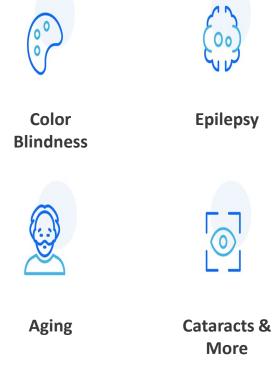


Blurred Vision



Cognitive

Disorders



RECOMMENDED COMPANY

https://accessibe.com/a/allacuservices





Thank you!

Questions regarding certificates of completion?

townhall@thenccaom.org





COVID – 19 HELPFUL RESOURCES



Coronavirus (COVID-19) Updates

Latest News



ADVOCACY

Discover how we advance our industry by advocating for board-certified acupuncture practices and safer regulations



CERTIFICATION

Find everything you need to know about our certification and exam: eligibility, exam prep and renewal.



EDUCATION

Expand your knowledge of the practice or help a student learn more.



NCCAOM UPDATES ON CORONAVIRUS (COVID-19)

NCCAOM is closely monitoring the impact and spread of the coronavirus in the U.S. and abroad. NCCAOM's headquarters and operations remain unaffected by the CVVID-19 outbreak. We are constantly evaluating the situation with news from the <u>Center for Disease Control ICDCI</u>, <u>World Health Organization (WHO</u>) and other government sources and will provide updates as the situation evolves.

The NCCAOM has created this webpage to keep NCCAOM Stakeholders informed as the COVID-19 situation evolves. Please see the tabs below for the latest information pertaining to each stakeholder group. To contact NCCAOM regarding developments and questions concerning how the organization is affected by coronarivar, please contact equiviliaries the increasement of the properties of the prope

Helpful Resources

Town Hall Meetings





COVID – 19 HELPFUL RESOURCES



4 days ago · by Zeyiad Elias





CERTIFICATES OF COMPLETION FOR TOWN HALL MEETINGS ARE DISTRIBUTED WITHIN TWO (2) WEEKS OF THE EVENT DATE



