

MARCH 31, 2020

CMS: New Waivers and Regulatory Changes

On March 30, 2020, the Centers for Medicare and Medicaid Services (CMS) [announced](#) new waivers and regulatory changes aimed at allowing hospitals to expand their capacity to treat more patients during the COVID-19 pandemic.

The new flexibilities include allowing ambulatory surgery centers (ASCs), hotels and convention centers to be repurposed to respond to the outbreak. A brief overview of these and other flexibilities is provided below. Additional details are available in a [CMS fact sheet](#).

Hospitals Without Walls

Aimed at increasing hospital capacity, CMS is allowing hospitals and health systems to provide services in locations beyond their existing walls and develop sites dedicated to COVID-19 treatment. Among others, the following changes were announced:

- Hospitals may transfer patients to outside facilities, including ASCs, inpatient rehabilitation hospitals, hotels and dormitories, while still receiving payments under Medicare;
- When end-stage renal disease (ESRD) facilities are unavailable, ambulances may transport patients to a wider range of locations including community mental health centers, federally qualified health centers, physician offices, ASCs and other locations providing dialysis services; and
- Emergency departments, under certain circumstances, may test and screen patients for COVID-19 at drive-through and off-campus test sites. Additionally, under certain circumstances hospitals and other entities will be able to perform tests for COVID-19 for people at home and in other community-based settings.

Expansion of the Healthcare Workforce

Aimed at increasing the healthcare workforce, CMS announced numerous actions, including:

- A blanket waiver allowing hospitals to provide benefits and supports to their medical staffs, such as meals, laundry service, childcare and other services;
- Private practice clinicians and their trained staff may be available for temporary employment while nonessential planned services are postponed during the pandemic;
- Teaching hospitals have flexibility to allow medical residents to provide services under the direction of the teaching physician; and teaching physicians may now also provide supervision, during key portions of a procedure, using audio/video technology; and
- Wider use of verbal orders may be used by hospital doctors.

Patients Over Paperwork

Aimed at eliminating paperwork requirements and maximizing clinician time with patients, CMS announced actions, including:

- Hospitals will not be required to have written policies on processes and visitation of patients who are in COVID-19 isolation;
- Hospitals will have additional time to provide patients with a copy of their medical record;
- Broader access for Medicare beneficiaries of respiratory devices and equipment; Medicare will also cover respiratory-related devices and equipment for any medical reason determined by clinicians; and
- Suspension of requests for additional information from providers, healthcare facilities and others.

Telehealth

CMS announced numerous actions to expand access to telehealth for Medicare beneficiaries to allow care in settings such as a patient's home or a nursing home or assisted living facility. These actions include:

- More than 80 additional services may be provided using telehealth, including emergency department visits, initial nursing facility and discharge visits, and home visits;
- Providers may evaluate beneficiaries who only have audio phones;
- Allowance of telehealth to fulfill numerous face-to-face visit requirements in inpatient rehabilitation facilities, hospice and home health;
- Virtual Check-In services, or brief check-ins between a patient and their doctor, by audio or video devices may now be provided for both new and established patients; and
- Clinicians can provide remote patient monitoring services for patients, no matter if it is for the COVID-19 disease or a chronic condition (e.g., to monitor a patient's oxygen saturation levels using pulse oximetry).

For an overview of federal flexibilities provided by CMS, click [here](#).