

Special Open Door Forum: CMS Hospital Without Walls during COVID-19 PHE April 9, 2020

Dr. Lee began call thanking providers for all that they are doing.

- Over past few weeks CMS has authorized several waivers to provide ways for the health system to expand care and the workforce for patients where ever they are.
- Collectively allows hospitals to function “without walls”
- Gives an ability to provide care for patients both with COVID and not.

Dr. Michael Lipp, Chief Medical Director for CMMI

- CMS wants to help providers to give care and not be impeded during crisis.
- Issued blanket 1135 waivers, stark law waivers, provider-based rules
- Under regulatory flexibility will expand physician supervision requirements, telehealth expansion, and expand ambulance transportations

Hospitals without Walls

- Allows hospitals to provide care outside their own buildings in temp expansion sites such as ASCs, free-standings ER, as well as tents, dorms, and hotels and still receive hospital site payments.
- Streamline paths for flexibility payment options
- Allow doctor owned hospitals to expand beds
- Adds depth to hospital workforce
- Issuing a blanket waiver to give benefits to staff such as meals, child care, etc.
- Making it easier for providers to enroll in Medicare
- Allow teaching hospitals to expand workforce and allow teaching physicians to remotely supervise residents.
- Allow clinicians to provide care in hospitals both in person and via telehealth
- Clinicians may bill at temp sites as if in the hospitals
- Allow for wider use for verbal orders
- After discharge clinicians may supplement care through telehealth and remote home health care

Answered questions already received through COVID-19@cms.hhs.gov

Q: Under program does an already enrolled hospital need to re-enroll new sites?

A: Normally CMS requires a new registration and on-site surveys, but during the emergency, CMS will not be doing on-site surveys and can be billed in an amended form.

Q: May an on-site provider-based service still be billed as if on-site if now moved off-site?

A: Allowed hospitals to expand capacity, but still considering payment.

Q: If ASC can't meet state licensure requirements?

A: Have to comply with states.

Q: What is the quality of the connection under telehealth is a bad?

- A: Understand issues, however if visual is not possible, must bill as audio only.
- Q: May a hospital bill as if in hospital if home?
- A: Still trying to figure out but if hospital believes that it is hospital level care use best judgement of quality. Understand that providers want more direction and are trying to come up with them.
- Q: Can freestanding Eds provide care as if hospitals?
- A: Yes, this can be a new site under waiver
- Q: May hospitals use all hospital owned facilities for inpatient services if meet hospital-based care?
- A: Waived most rules, CMS will pay for most sites as long as the hospital has control.
- Q: For CAHs, in off-site care has there been a specific requirements including discharge planning and CoPs?
- A: Best judgement may be used for requirements, hospitals must be sure that the CoPs are being followed that are most important to furnish services.
- Q: Observation status and use of condition code 44
- A: Haven't changed definition or payment rate, Email for code/payment questions: hapg_covid-19@cms.hhs.gov
- Q: If enrolled hospital bills at a temp site and is approved by the state how to bill for those that are not CoPs?
- A: If you feel that something in the blanket waiver does not cover please let CMS know.
- Q: PPS exempt hospitals serving patients outside their normal patients during surge?
- A: This is a question taken on a case-by-case basis, but if meeting CoPs than can operate as a temp expansion site.
- Q: State government, Army Corps retrofitting, can hospitals then bill for services at these new sites?
- A: Short answer, yes. Monitoring issues across the country to determine how to deal with the situations. These could be considered expansion sites under this waiver authority. Add DR condition code for inpatient/outpatient services in temporary expansion site.
- Q: CMS' 1135 waivers offer for CoPs, do they apply to LTCHs?
- A: LTCHs are subject to hospital CoPs so all waivers would apply.
- Q: Do 1135 waivers apply to Medicare Advantage?
- A: Hope to have info soon
- Q: CARES Act waives LTCHs site-neutral, how will CMS handle this?
- A: CMS will pay LTCHs the higher payment for admissions on or after Jan. 20, 2020.