



## **CMS Proposes Changes to CAH Distance Requirements and Other CAH COPs**

---

July 6, 2022

On June 30, CMS issued a proposed rule to establish the Conditions of Participation (COP) for the new provider category of Rural Emergency Hospitals (REH) that will be eligible for reimbursement for services provided on or after January 1, 2023. This proposed rule also includes some proposed changes to the CAH COPs. Click [here](#) for the proposed rule, [here](#) for the CMS Fact Sheet and [here](#) for the press release. See pages 25-28 of the proposed rule PDF for explanatory comments on the CAH provisions summarized below.

The proposed CAH COP changes include:

- Definition of primary roads, including a new review procedure
- Patient's rights, with an emphasis on use of restraints and staff training re restraints
- Unified and integrated medical staff for a CAH in a multi-facility system
- Other provisions re CAHs in multi-facility systems – infection control, quality assessment

### **Conditions of Participation: Status and Location**

*See page 52 of the PDF for the text.*

#### *Definition of Primary Roads*

CMS proposes to clarify that the location distance for a CAH is at least a 35-mile drive **on** primary roads from a hospital or another CAH (or, in the case of mountainous terrain or in areas with only secondary roads available, a 15-mile drive). CMS also proposes to specify that a primary road is a numbered Federal highway, including interstates, intrastates, expressways or any other numbered Federal highway, or a numbered state highway with two or more lanes each way.

CMS is specially seeking comment on whether the definition of primary roads should include numbered Federal highways with two or more lanes, similar to the description of numbered state highways, and exclude numbered Federal highways with only one lane in each direction.

### *Review Procedure*

CMS proposes to establish a review procedure that focuses on hospitals being certified in proximity to a CAH, rather than focusing specifically on road classifications. CMS would review all hospitals and CAHs within a 50-mile radius of the CAH during each review of eligibility and then subsequently on a 3-year cycle. CAHs with no new hospitals within 50 miles would be immediately recertified; those CAHs with new hospitals within 50 miles would receive additional review based on the distance from the new hospital and the definitions for Primary Roads and Mountainous Terrain. CMS views this proposed process as one that will provide greater consistency in evaluating if CAHs meet the 35 or 15-mile distance requirements.

### **Conditions of Participation: Patient's Rights**

*See page 52 of the PDF for the text.*

CMS proposes to establish a COP for patient's rights to include a requirement for CAHs to inform patients of and exercise their rights; address privacy and safety; adhere to the confidentiality of patient records; responsibilities for the use of restraints and seclusion; and adherence to patient visitation rights. CMS is specifically soliciting comments on the appropriateness of the requirements proposed for restraint and seclusion, the potential need to require standards that are more stringent to address patient protections, and the feasibility of implementing such requirements in rural communities. CMS also proposes staff training requirements and death reporting requirements.

### **Conditions of Participation: Staffing and staff responsibilities**

*See page 54 of the PDF for the text.*

CMS proposes to allow for either a unique medical staff for each CAH or for a unified and integrated medical staff shared by multiple hospitals, CAHs and REHs within a health care system.

### **Conditions of Participation: Infection prevention and control and antibiotic stewardship programs and QAPI program for CAHs in a multi-facility system.**

*See pages 54-55 of the PDF for the text.*

CMS proposes to allow CAHs that are part of a multi-facility system to elect to have the system's single governing body be responsible for ensuring that the separately certified CAHs meet the requirements.

*For additional information, please contact our General Counsel Diane Turpin at [diane.turpin@shcare.net](mailto:diane.turpin@shcare.net) or 202-578-5444.*