
Oregon §1135 Waiver Update for Hospitals

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March 27, 2020

1000-1100

The logo for the Oregon Health Authority. It features the word "Oregon" in a smaller, orange, serif font positioned above the word "Health". "Health" is written in a large, blue, serif font. Below "Health", the word "Authority" is written in a smaller, orange, serif font. A thin blue horizontal line is positioned between "Health" and "Authority".

Oregon
Health
Authority

Nationwide §1135 Waivers In Effect

- §1135 waivers became available when the president declared an emergency on March 13, 2020
- Waivers are for specific CMS requirements
- Centers for Medicare & Medicaid Services (CMS) issued blanket nationwide waiver for the following hospital-related requirements:
 - 3-day stay before discharge to a Skilled Nursing Facility
 - Critical Access Hospitals
 - 25-bed limit (*CAH 1*)
 - 96-hour length of stay (*CAH 2*)
 - Housing acute care patients in excluded distinct part units (*IPPS 1*)
 - Care for excluded inpatient patients in acute care unit (*IPPS 2*)
 - Hospitals may move emergency patients to another on-campus location in the hospital and continue to bill for Type A ED charges (*ED*)
 - Timeframe for Long-Term Acute Hospital stay

Oregon Statewide §1135 Waivers Requested

- Statewide §1135 waiver requested – partial approval received March 25, 2020. Certain requests for flexibilities are still pending.
- Waivers are for specific CMS requirements including, but not limited to:
 - Condition of Participation: Medical Staff – to allow for abbreviated credentialing and privileging if this is not already part of your EP
 - Alternate Care Sites (ACSs) for ED, outpatient and inpatient
 - Condition of Participation: Physical Environment – to facilitate ACS
 - Accelerated accreditation for ACSs
 - Emergency Medical Treatment And Labor Act (EMTALA)
 - Redirect patients for screening at another location (EMTALA 1)
 - Transfer patients that have not been stabilized if transfer is necessary for the patient to receive appropriate care (EMTALA 2)

Oregon Statewide §1135 Waivers Approved

Approvals as of March 25, 2020-

- Oregon will have flexibility to add to its healthcare workforce:
 - Honor out-of-state licenses and certifications
 - Utilize other state Medicaid Agency and Medicare enrollment information to enroll out-of-state providers in Oregon Medicaid
 - Waive many provider enrollment requirements
- Oregon will be able to provide treatment in temporary sites and more easily admit patients to Skilled Nursing Facilities and other residential facilities
 - Waive the hospital stay requirements before discharging to SNFs and BH residential facilities
 - Allow services to be delivered in alternative sites that are not licensed including nursing facilities

Oregon Statewide §1135 Waivers Approved

Approvals as of March 25, 2020, continued:

- Flexibilities for members to access and receive care during this public health emergency:
 - Replace DME without a new physician order;
 - Cover Medicaid and Medicare members out of state and cover out of state members in Oregon;
 - Suspend prior-authorization requests and authorizations for pre-existing conditions;
 - Allow longer times for members to request a hearing or exercise appeal rights.
- Shorten the public notice and tribal consultation time requirements

Oregon Medicaid Next Steps

- Continue to negotiate with CMS for flexibilities not yet approved in the statewide §1135;
- Submit Medicaid State Plan Disaster Relief State Plan Amendment (SPA) as companion to statewide §1135 Waiver for flexibilities related to benefits, coverage, service payments and member eligibility.
- Submit Appendix K waiver amendments on behalf of Department of Human Services (DHS) for flexibilities in providing long-term services and supports through 1915(c) Home and Community Based Services (HCBS) Waivers operated by DHS.
- Submit specific SPA for long-term services and supports authorized and provided under 1915(i), 1915(j) and 1915(k) HCBS state plan options. SPA will allow flexibilities for program eligibility redeterminations, face-to-face assessment requirements and person-centered service planning and plan development.
- SPA requests will be submitted to CMS next week. Negotiation and collaboration with CMS are ongoing.

On-Campus Changes

- Temporary or mobile structures
 - Email mailbox.fps@state.or.us
 - Regular Facilities Planning & Safety (FPS) regulations do not apply to temporary or mobile structures
- Changes involving permanent structures
 - Increase in Bed Count
 - Changes within licensed on-campus space
 - Additions of on-campus space to the hospital license
 - Process
 - Temporary license application to mailbox.hclc@state.or.us
 - 6-month license

Off-Campus Changes

- Temporary or mobile structures
- Using existing structures
 - Types of Structures – definitions and guidance
 - Tier 1
 - Tier 2
 - Former Skilled Nursing Facilities – guidance coming soon
 - Process
 - Temporary License application to mailbox.hclc@state.or.us
 - 6-month license

Resources:

- www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/alternative-care-sites.html
- www.cms.gov/medicare/quality-safety-oversight-general-information/coronavirus
- www.healthoregon.org/coronavirus
- www.healthoregon.org/hflc

Live Questions...

OHA COVID-19 Website

- www.healthoregon.gov/coronavirus

The screenshot shows the Oregon Health Authority website page for COVID-19. The header includes the Oregon Health Authority logo and the text "Diseases A to Z Public Health Division". A breadcrumb trail reads: "Public Health Division > Diseases and Conditions > Diseases A to Z > Emerging Respiratory Infections: COVID-19". The main heading is "Emerging Respiratory Infections: COVID-19". On the right, it says "Page last updated March 2, 2020". On the left, under "Diseases A to Z", there is a "CONTACT US" section with links to "Acute and Communicable Disease Prevention Section" and "Public Health Division Program Directory". The main content area is titled "Novel Coronavirus Updates (COVID-19)" and contains a yellow box with text: "The Oregon Health Authority is responding to an outbreak of respiratory illness, called COVID-19, caused by a novel (new) coronavirus. Health officials urge good hand hygiene, covering coughs and staying home if you are sick. For general information on novel coronavirus, call 211. If you are having a medical emergency, call 911." Below this text are three buttons: "Frequently Asked Questions", "Sign up for Oregon Alerts", and "CDC Coronavirus Website".