

Waiver of required three-day hospitalization stay

The declaration of a National Public Health Emergency as a result of Covid-19 has resulted in liberalizing certain regulations in an effort to expedite hospital discharges and to assist Healthcare providers with maintaining operations of their buildings.

One such item is the Social Security Act Section 1812(f) relaxing the requirement of a 3 day prior hospitalization stay in order to be a reimbursable covered SNF admission. [The COVID-19 Emergency Declaration Health Care Providers Fact Sheet](#) states that CMS is waiving this requirement and will allow persons who need to be transferred from the hospital to a NF will be eligible for SNF services without a qualifying hospital stay. The waiver also allows individuals who have exhausted their SNF benefits to be eligible for renewed SNF coverage without first having to start a new benefit period.

During these emergency admissions long term care facilities must be sure the appropriate documentation is in place. Be sure the Hospital has completed all the appropriate assessments and screening related to COVID-19 to ensure the resident is appropriate for discharge and that the NF can provide the level of care required: CMS guidance for Hospital discharge and admission to a NF can be found here <https://www.cms.gov/files/document/3-13-2020-nursing-home-guidance-covid-19.pdf> It is important to review the Note below taken within the above document regarding admissions of individuals that have been appropriately screened by the discharging hospital:

“Note: Nursing homes should admit any individuals that they would normally admit to their facility, including individuals from hospitals where a case of COVID-19 was/is present. Also, if possible, dedicate a unit/wing exclusively for any residents coming or returning from the hospital. This can serve as a step-down unit where they remain for 14 days with no symptoms (instead of integrating as usual on short-term rehab floor or returning to long-stay original room).”

In addition: admitting NFs must ensure there is supportive documentation from the hospital that qualifies for a NF stay in order to ensure payment These include:

1. Physician’s determination of a medically necessary daily skilled need whose complexity and frequency requires skilled services in an inpatient setting and the daily skilled service exceeds the care available at lower levels such as home health.
2. Services are provided daily are under the supervision of skilled nursing or therapy staff such as: observation and management of Care Plans that include skilled monitoring and assessment, respiratory treatments, administration of IV fluids and medications

CMS is also waiving CFR 483.20 to allow a respite to SNFS on the link to “Findings Concerning Section 1812(f) time frame requirements for Minimum Data Set (MDS) assessment and transmission https://www.cms.gov/Regulations-and-Guidance/Legislation/CFCsAndCoPs/downloads/som107ap_pp_guidelines_ltcf.pdf

Refer to this link for additional clinical and technical, Survey and certification, and billing and coding guidance: <https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page>

For CMS recent press releases <https://www.cms.gov/newsroom/press-releases/cms-announces-new-measures-protect-nursing-home-residents-covid-19>

This links to Declaration <https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page> fact sheet--
<https://www.cms.gov/files/document/covid19-emergency-declaration-health-care-providers-fact-sheet.pdf>

This Links to letter from Seema Verma in response to Section 1812(f) of the SSA in response to the effects of the COVID-19 Outbreak <https://www.cms.gov/files/document/coronavirus-snf-1812f-waiver.pdf>