

Report on Medicare Compliance Volume 31, Number 13. April 11, 2022 CMS Ends Certain Nonhospital Waivers; Separate Workflows May Smooth the 'Great Unwind'

By Nina Youngstrom

CMS said April 7 that it's ending certain COVID-19 waivers for skilled nursing facilities (SNFs), inpatient hospices, intermediate care facilities for individuals with intellectual disabilities and end-stage renal disease facilities, with staggered terminations of 30 and 60 days.^[1]

But "applicable waivers will remain in effect for hospitals and critical access hospitals," according to a memo from David Wright, the director of the CMS Quality, Safety & Oversight Group. The Biden administration has promised to give the industry 60 days' notice of the expiration of the COVID-19 public health emergency (PHE), which will turn many of the waivers and flexibilities to dust. Hospitals and other providers will then return to compliance with pre-PHE regulatory requirements.

"It would be challenging to do that in less than 60 days," said Martie Ross, a consultant with PYA. Some of what she calls the "great unwind" has already begun and some has been deferred.

In the memo, CMS said some waivers for SNFs and nursing facilities (NFs) will be history in 30 days from the date of the memo, including the waivers that let physicians delegate tasks they must perform personally to a physician assistant, nurse practitioner, or clinical nurse specialist and that allow physicians and nonphysician practitioners to perform in-person visits via telehealth. Other waivers will be gone in 60 days. For example, end-stage renal disease facilities will again be required to do on-time preventive maintenance of dialysis machines, and nurse aides in SNFs and NFs must have 12 hours of in-service training annually.

The sunseting of certain waivers is not the only way the times are changing. "A rush of local and state emergency declarations have now been terminated," Ross noted. And the Health Resources and Services Administration program for the uninsured stopped accepting claims for COVID-19 testing or treatment March 11 and did the same for vaccines April 5, Ross said March 23 at a webinar sponsored by the firm.^[2]

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