

Report on Medicare Compliance Volume 29, Number 36. October 12, 2020

CMS: Hospitals Face Termination for Failure to Report COVID-19 Data

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In an Oct. 6 memo,^[1] CMS said hospitals could be kicked out of Medicare if they don't report COVID-19 data every day to HHS, as required by the Sept. 2 interim final rule. But they will be given several chances to make things right, according to the memo, issued by the Quality, Safety & Oversight Group in the Division of Continuing and Acute Care Providers.

If hospitals or critical access hospitals fail to consistently report test results throughout the COVID-19 public health emergency (PHE), CMS will conclude they are noncompliant with the Medicare conditions of participation, the memo said. It sets forth the steps CMS will take toward terminating hospitals from Medicare under these circumstances.

The COVID-19 data reporting requirements were established by CMS's interim final rule—Medicare and Medicaid Programs, Clinical Laboratory Improvement Amendments (CLIA), and Patient Protection and Affordable Care Act; Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency.^[2] Every day, hospitals must report a lot of information to a data platform called HHS Protect, or to their state health departments or information technology vendors. The data include inpatient bed occupancy, intensive care unit bed occupancy, number of mechanical ventilators in use, total hospitalized adult and pediatric suspected or confirmed positive COVID-19 patients, and supply of personal protective equipment, among other data. Optional reporting on the flu begins Oct. 19, with the intention to make it mandatory soon after, CMS said. Psychiatric and rehabilitation hospitals only have to report the data weekly.

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