

## Implications of President Trump's National Emergency Declaration

The President's declaration of a national emergency on 03/13/20 empowers the Secretary of Health and Human Services (HHS) to waive certain Medicare, Medicaid and Children's Health Insurance Program (CHIP) program requirements and conditions of participation under Section 1135 of the Social Security. These waivers will allow CMS to take several key administrative actions including the following:

**Provider Enrollment Flexibilities:** CMS will temporarily suspend certain Medicare enrollment screening requirements including site visits and fingerprinting for non-certified Part B suppliers, physicians and non-physician practitioners.

**Flexibility and Relief for State Medicaid Agencies:** Examples of flexibilities available to states under section 1135 waivers include the ability to permit out-of-state providers to render services, temporarily suspend certain provider enrollment and revalidation requirements to promote access to care, allow providers to provide care in alternative settings, and waive prior authorization requirements.

**Suspension of Enforcement Activities:** CMS will temporarily suspend non-emergency survey inspections, allowing providers to focus on the most current serious health and safety threats, like infectious diseases and abuse.

For a fact sheet on the regulatory flexibilities and other actions CMS is taking to help healthcare providers and states respond to and contain COVID-19, please visit: <https://www.cms.gov/files/document/covid19-emergency-declaration-health-care-providers-fact-sheet.pdf>

Both NAHC and NHPCO have made a number of other waiver proposals to CMS, including loosening or suspending requirements for homebound status, the face-to-face requirement, and the core services requirement for hospice. HHAU will update membership of any changes.

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