

September 11, 2009

Medicare Fee-For-Service

**Emergency and Disaster-Related Policies and Procedures
That May Be Implemented Without § 1135 Waivers**

Section 1 – Urgent Preparedness Initiative: The H1N1 Influenza Pandemic

All Emergencies

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Control #	<p style="text-align: center;">Medicare Fee-For-Service Questions and Answers</p>
	<p style="text-align: center;">Urgent Preparedness Initiative: The H1N1 Influenza Pandemic – Vaccination and Related Issues</p> <p style="text-align: center;">Note: Although the policies expressed in this section are specific to an H1N1 influenza pandemic, many of the Medicare fee-for-service policies and procedures that apply to all emergencies or disasters may also apply to the H1N1 emergency. See the other sections of these Q&As for these other potentially relevant policies.</p>
H1N1-1	<p>Question: Will CMS release a letter or written statement for public dissemination (to beneficiaries and providers) stating Medicare's intention to cover H1N1 administration through Part B and reimbursement rate if known?</p> <p>Answer: Yes, CMS will issue information that informs the public and our contractors concerning payment policy for the H1N1 vaccine and its administration under Medicare fee-for-service. Presently (August 2009), the information available to CMS is that the H1N1 vaccine will be made available without charge to hospitals, physicians, and other entities that immunize patients. If that proves to be the case, then Medicare fee-for-service will not pay for the H1N1 vaccine. However, Medicare will pay for the administration of the vaccine in accordance with existing rules.</p>
H1N1-2	<p>Question: Will reimbursement for H1N1 vaccine administration be the same as for seasonal influenza?</p> <p>Answer: Yes, the payment amount for the H1N1 vaccine's administration will be the same as the payment for administration of seasonal flu vaccine. Multiple payments for administration will be available if the H1N1 vaccine requires multiple doses.</p>
H1N1-3	<p>Question: What are the rules for billing Medicare for the administration of the H1N1 vaccine?</p> <p>Answer: In general, billing for the administration of the H1N1 vaccine will be similar to billing for the administration of the seasonal flu vaccine. See CMS' Medicare Claims Processing Manual (Publication 100-04), Chapter 18, Section 10, et seq. @ http://www.cms.hhs.gov/manuals/downloads/clm104c18.pdf. The major difference in billing for the administration of the H1N1 vaccine is that if the H1N1 vaccine is made available to providers free of charge, then Medicare will not pay for the H1N1 vaccine itself. Therefore, the HCPCS code for the vaccine need not be included on the bill/claim submitted for payment of the administration of the vaccine. The HCPCS code for the administration of the H1N1 vaccine is: <i>G9141- Influenza A (H1N1) immunization administration (includes the physician counseling the patient/family)</i>. Payment for G9141 will be made at the same payment rate established for G0008 (<i>Administration of influenza virus vaccine</i>) for each administration.</p> <p>Although the HCPCS code for the H1N1 vaccine need not be appended to the bill/claim, if the provider elects to do so, the bill/claim will be accepted but the claim line for the vaccine will be denied. The HCPCS code for the H1N1 influenza vaccine is: <i>G9142- Influenza A (H1N1) vaccine, any route of administration</i>.</p>
H1N1-4	<p>Question: How will Medicare billing systems account for the possibility of multiple claims for influenza vaccination in the same season (e.g., 1 seasonal + 1-2 H1N1 doses)?</p> <p>Answer: Medicare systems will be programmed to pay for both a single dose of the seasonal flu vaccine and its administration and for one or more administrations of the H1N1 vaccine (but, again, not the H1N1 vaccine itself if it is supplied to providers free of charge), and payment will be subject to normal billing and payment rules that apply to influenza vaccine.</p>
H1N1-5	<p>Question: Will it be possible for providers enrolled as mass immunizers to roster bill Medicare for H1N1 administration as they do for seasonal flu?</p> <p>Answer: Yes.</p>
H1N1-6	<p>Question: States are distributing drugs from the Centers for Disease Control's (CDC) Strategic National Stockpile (SNS) to hospitals. We are looking for official guidance from a "billing" perspective to share with our members. How should hospitals handle billing for services that involve the use of SNS provided drugs?</p> <p>Answer: For services rendered to Medicare fee-for-service (FFS) beneficiaries, standard Medicare FFS billing rules apply. This would include following existing policy on no cost items, such as SNS drugs, as noted in Q&A H1N1-1, above. Hospitals and other providers should work with their other payers to determine the acceptable way, if any, to bill those payers for services related to free drugs/tests.</p>
H1N1-7	<p>Question: Will Medicare payment policy change if the H1N1 vaccine is released under an emergency utilization authorization (EUA) under section 564 of the Food, Drug and Cosmetic Act?</p> <p>Answer: No.</p>

H1N1-8	<p>Question: Will Medicare pay for diagnostic tests for H1N1 flu (e.g., nasal swabs) for beneficiaries?</p> <p>Answer: Under Part B, Medicare will cover diagnostic tests as set forth in 42 CFR 410.32 and other existing policies. Note, however, that the Social Security Act excludes payment for any item or service that was provided free of charge or if neither the beneficiary nor any other person is obligated to pay for such item or service, or if another Federal entity is obligated – directly or indirectly – to pay for such item or service.</p>
H1N1-9	<p>Question: Will Medicare cover and pay for a surgical mask to prevent the spread of/infection from H1N1 flu, if prescribed by a physician?</p> <p>Answer: No. There is no Medicare benefit category that would allow for separate coverage of a surgical mask.</p>
H1N1-10	<p>Question: Will Medicare pay for physician services and vaccine administration provided outside the normal setting (e.g., shelters)?</p> <p>Answer: Yes. Physician services and flu vaccinations can be provided in a wide range of locations. Physicians must enroll with the Medicare carrier or Medicare Administrative Contractor that processes claims for the area where the service is performed and the appropriate place of service (POS) code must be indicated on the claim.</p>
H1N1-11	<p>Question: Will Medicare pay for seasonal flu vaccinations even if the vaccinations are rendered earlier in the year than normal?</p> <p>Answer: Medicare will pay for seasonal flu vaccinations even if the vaccinations are rendered earlier in the year than normal. We understand that such preparations are critical for the upcoming flu season, especially in planning for the influenza A [H1N1] vaccine.</p> <p>Though Medicare typically pays for one vaccination per year, if more than one vaccination per year is medically necessary, then Medicare will pay for those additional vaccinations. Our Medicare claims processing contractors have been notified to expect and prepare for earlier-than-usual seasonal flu claims and there should not be a problem in getting those claims paid. Furthermore, in the event that it is necessary for Medicare beneficiaries to receive both a seasonal flu vaccination and an influenza A [H1N1] vaccination, then Medicare will pay for both. However, please be advised that if either vaccine is provided free of charge to the health care provider, then Medicare will only pay for the vaccine's administration (not for the vaccine itself).</p>
All Emergencies	
A	Flexibilities Available in the Event of an Emergency or Disaster
A-1	<p>Question: In the event of an emergency or disaster, what relief is available to providers, physicians and other suppliers, and/or beneficiaries under the Medicare fee-for service program?</p> <p>Answer: Currently, there is no authority for the Medicare fee-for service program to make payments for the purpose of emergency or disaster relief. Even in the circumstance of a disaster or emergency, Medicare fee-for-service is limited to making payments only for services covered under Medicare Parts A & B that are furnished to Medicare beneficiaries in accordance with program rules. That said, Medicare can make certain adjustments in response to a disaster or emergency to ease administrative burden on providers and on physicians and other suppliers and to enhance access to services by Medicare beneficiaries.</p>
A-2	<p>Question: What are the adjustments that Medicare fee-for-service can make in the event of an emergency or disaster?</p> <p>Answer: Broadly speaking, Medicare fee-for-service has three sets of potential temporary adjustments that can be made to address an emergency or disaster situation. These include:</p> <ol style="list-style-type: none"> 1. applying flexibilities that are already available under normal business rules; 2. waiver or modification of policy or procedural norms by the Administrator of the Center for Medicare and Medicaid Services (CMS) under his or her authority; and 3. waiver or modification of certain Medicare requirements pursuant to waiver authority under § 1135 of the Social Security Act. This waiver authority can be invoked by the Secretary of the Department of Health and Human Services (DHHS) in certain circumstances.
A-3	<p>Question: The previous answer referred to "potential temporary adjustments". Aren't these adjustments always implemented in the event of a disaster or emergency?</p> <p>Answer: No, not always. First, each emergency or disaster is unique and creates specific, and sometimes unique, challenges. Thus, the nature of the emergency or disaster will determine whether a particular adjustment is appropriate (or even authorized). Second, CMS will usually tailor its response to specific, identified needs that are communicated by or through State officials or health industry representatives in the affected area and, in some cases, only when supported by documentation of need. Third, a waiver or modification of requirements pursuant to § 1135 of the Social Security Act</p>

	requires not only that the Secretary of DHHS specifically invoke that authority, but also that certain conditions are met first – namely, that there has been both a declaration by the Secretary of a public health emergency under Section 319 of the Public Health Service Act and a declaration by the President of a disaster or emergency under the Stafford Act or National Emergencies Act.
A-4	<p>Question: Assuming that some level of response is forthcoming from Medicare fee-for-service in an emergency or disaster, what, specifically, do these emergency/disaster-related adjustments include?</p> <p>Answer: The questions and answers in this series, which are generally organized by benefit category or provider type, describe specific adjustments/responses and whether the emergency/disaster response is based on normal business rules, an adjustment within CMS’ discretion, or an adjustment that can be made only under a § 1135 waiver.</p>
A-5	<p>Question: How will the healthcare community know what adjustments are available from Medicare fee-for-service in a particular emergency or disaster?</p> <p>Answer: The contractors that process Medicare fee-for-service claims (Medicare Administrative Contractors (MAC), Durable Medical Equipment (DME) MACs, Fiscal Intermediaries (FI), Regional Home Health Intermediaries (RHHI), and Carriers), will implement Medicare fee-for-service adjustments based on instructions from CMS. In the event of an emergency or disaster, providers and physicians and other suppliers should contact their servicing contractor. The DHHS Regional Office(s) for the affected area(s) will generally serve as the point of contact for State officials and industry associations. To raise an issue not addressed within these Q&As, send your query to emergency.ops@cms.hhs.gov.</p>
A-6	<p>Question: CMS had previously issued Transmittals that communicated Q&As about emergency-related policies in the event of an influenza pandemic. Are those policies still in effect?</p> <p>Answer: Not at this time. These updated Q&As are intended to apply more generally in any kind of an emergency or disaster, including but not limited to an influenza pandemic.</p>
B	Waiver of Certain Medicare Requirements
B-1	<p>Question: What are “waivers” under § 1135 of the Social Security Act; how are they established; and how do they apply to Medicare fee-for-service?</p> <p>Answer: Section 1135 of the Social Security Act authorizes the Secretary of the Department of Health and Human Services to waive or modify certain Medicare, Medicaid, CHIP, and HIPAA requirements. Two prerequisites must be met before the Secretary may invoke the § 1135 waiver authority. First, the President must have declared an emergency or disaster under either the Stafford Act or the National Emergencies Act. Second, the Secretary must have declared a Public Health Emergency (PHE) under Section 319 of the Public Health Service Act. Then, with respect to the geographic area(s) and time periods provided for in those declarations, the Secretary may elect to authorize waivers/modifications of one or more of the requirements described in Section 1135(b) and summarized below. The implementation of such waivers or modifications is typically delegated to the Administrator of CMS who, in turn, determines whether and the extent to which sufficient grounds exist for waiving such requirements with respect to a particular provider, or to a group or class of providers, or to a geographic area.</p> <p>Waivers authorized by the statute apply to Medicare in the context of the following requirements:</p> <ul style="list-style-type: none"> • conditions of participation or other certification requirements applicable to providers; • licensure requirements applicable to physicians and other health professionals; • sanctions for violations of certain emergency medical standards under the Emergency Medical Treatment and Labor Act (EMTALA) • sanctions relating to physician self-referral limitations (Stark) • performance deadlines and timetables (modifiable only; not waivable); and • certain payment limitations under the Medicare Advantage program. <p>Medicare fee-for-service requirements, including most particularly (but not limited to) Medicare payment rules and amounts, are not, and cannot be, waived under § 1135. Nevertheless, some of the foregoing waivers, when invoked, may have the effect of making fee-for-service payments possible when, absent a waiver, such payments would not have been permissible.</p>
B-2	<p>Question: Does the § 1135 authority allow CMS to waive Medicare requirements that apply to individuals affected by the emergency/disaster? If so, would there be a set period of time for the emergency to exist, or would such waiver vary by affected individual?</p> <p>Answer: Section § 1135 waivers -- when authorized – apply to requirements that apply to health care providers. Such waivers do not directly apply to individual beneficiaries. However, the waivers that are granted for health care providers are intended to reduce administrative burdens on those providers and to increase flexibilities in the delivery of health care with the intent of promoting greater access to care by individuals affected by the emergency or disaster.</p>
B-3	<p>Question: Will CMS provide disaster relief funding to hospitals following an emergency or disaster to make up for the lost reimbursement? If so what documentation will be required in patient clinical and financial records?</p>

	<p>Answer: There is currently no standing authority for CMS to provide special emergency/disaster relief funding following an emergency or disaster in order to compensate providers for lost reimbursement. Congress had appropriated disaster-specific special funding for the Hurricane Katrina disaster; but absent such special appropriation, Medicare does not provide funding for financial losses except as otherwise specified in existing regulations.</p>
B-4	<p>Question: At what point will individuals no longer be treated as "emergency victims?" Is there a set period of time or does it vary by individual?</p> <p>Answer: Emergency policies, including those policies made possible by the § 1135 waiver authority, generally do not apply to individual beneficiaries. These policies apply to the geographic area(s) in which the emergencies have been declared and may apply to individual health care providers or groups or types of providers. As described more fully in these emergency Q&As, the effect of waivers and of other flexibilities are intended to facilitate access to care by program beneficiaries. Generally speaking, Medicare fee-for-service emergency policies are in effect in the geographic areas, and for the length of time, specified by the President's declaration of an emergency or disaster.</p>
B-5	<p>Question: How does a health care provider affected by an emergency request and receive approval for an 1135 waiver?</p> <p>Answer: Section 1135 waivers are generally not authorized in response to an individual provider's request. Rather, such waivers are typically authorized for geographic areas for the duration of a declared emergency or disaster. To determine whether waiver authority has been invoked for a particular emergency or disaster and, if so, whether any such waiver would apply to your facility, contact your State Survey Agency (SA) or the Medicare contractor to which you submit claims. In some circumstances, providers may be required to submit documentation of need for a grant of waiver of certain requirements. In that event the SA or your servicing Medicare contractor will advise you of specific requirements. All providers impacted by an emergency or disaster should activate their disaster plans, especially those providers furnishing emergency treatment subject to the Emergency Medical Treatment and Labor Act (EMTALA).</p> <p>And all providers should assume that normal Medicare fee-for-service rules remain in effect unless official notice is made that waivers of such rules have been granted.</p>
C	General Payment Policies
C-1	<p>Question: Will Medicare fee-for-service pay when I try to get services in a State other than my home State?</p> <p>Answer: Yes. Fee-for-service (FFS) Medicare beneficiaries, that is beneficiaries who are enrolled in Original Medicare, may obtain health care services anywhere in the country. This is normal policy. The provider of services will bill the Medicare contractor with whom they are enrolled and with whom they normally conduct Medicare business.</p> <p>Non-FFS beneficiaries, that is beneficiaries enrolled in other types of Medicare plans (Medicare Advantage (MA), PACE, HCPPs enrollees, etc.), may be limited as to where they may obtain services but generally can obtain urgently needed or emergency health care services anywhere.</p>
C-2	<p>Question: Are contractors allowed to extend the due date for cost reports, to allow the providers additional time to submit them without having payments interrupted?</p> <p>Answer: Yes, 42 CFR § 413.24 (f) (2) (ii) allows this flexibility, "if a provider's operations are significantly adversely affected due to extraordinary circumstances over which the provider has no control, such as flood or fire."</p>
C-3	<p>Question: In declared disasters, can CMS make payment for services that are provided by healthcare professionals who, in normal circumstances, would not be permitted by Medicare to bill for their services to beneficiaries (e.g., RNs providing care typically provided by physicians or residents/medical students providing services without the required level of physician supervision)?</p> <p>Answer: There is no authority under Medicare Part B that permits a Medicare contractor to depart from the statutory provisions that specify to whom Medicare payment is made. Medicare payment cannot be made under the physician fee schedule (PFS) directly to an RN or any other individual without a separately enumerated benefit under Medicare law. The only way that these individuals can receive Medicare Part B payment for their services to Medicare patients is indirectly under the "incident to" provision. The "incident to" provision requires, among other things, that PFS payment is made to the employer of those who furnish services incident to a physician's (or to certain types of nonphysician practitioner's) professional service and that the services be furnished under direct supervision by a physician (or certain types of nonphysician practitioners). Hence, those who provide "incident to" services must be employed, leased, or contracted with the physician or nonphysician practitioner, or the entity that bills for their services.</p>
D	General Billing Procedures
D-1	<p>Question: Regarding the use of the disaster-related condition code "DR", should this code be used for all billing situations relating to a declared emergency/disaster (i.e., SNF, ESRD, or Hospitals)?</p> <p>Answer: Yes, the "DR" condition code should be used by providers (but not by physicians and other suppliers) in all</p>

	billing situations related to a declared emergency/disaster.
D-2	<p>Question: How does CMS want contractors to handle 5601 edits (overlaps) when one of the facilities is an emergency/disaster-impacted provider and the contractor is unable to contact it or obtain documentation? Contractors often request admit and discharge summaries from providers in order to resolve overlapping claims issues. What should contractors do when one of the providers is in the emergency/disaster-impacted area and the contractor is unable to contact it and obtain documentation?</p> <p>Answer: When two claims are overlapping and it is necessary to view the admission and discharge summaries to ascertain where the patient was on a given day, the contractor should pay the claim for the facility that is able to provide the documentation to support the days on their claim. Upon making contact with the affected provider, contractors may make any necessary adjustments to the claims.</p>
D-3	<p>Question: On October 14, 2005, in response to Hurricane Katrina, CMS issued Change Request 4106, "National Modifier and Condition Code To Be Used To Identify Disaster Related Claims." May the CR modifier and the DR condition code be used for all emergency related claims?</p> <p>Answer: The CR modifier and the DR condition code are still authorized for emergency-related claims. But see Change request 6451, issued on July 31, 2009 as Transmittal 1784, for updated procedures related to the use of the CR modifier and the DR condition code.</p>
D-4	<p>Question: When and how can claims timely filing requirements can be waived?</p> <p>Answer: Medicare's timely claim filing requirement is specified by regulation at 42 C.F.R. § 424.44. This requirement can be waived only for error or misrepresentation as discussed more fully in the regulation itself. Nevertheless, because the timely filing window is a minimum of 15 months – to as much as 27 months depending on when the service was furnished – we don't expect that providers affected by an emergency/disaster would likely to be adversely affected by the timely filing requirement.</p>
D-5	<p>Question: Will the claim filing deadline be extended so that the clock starts ticking after the disaster or emergency is declared over?</p> <p>Answer: A waiver or modification of Medicare program requirements in accordance with § 1135 of the Social Security Act (such as a modification of timely filing requirements) is generally only in effect for the duration of the declared emergency period, not after the period has ended. In addition, because the timely filing window is a minimum of 15 months and can be as much as 27 months, depending on the date the service was furnished, CMS does not expect that providers affected by an emergency would be adversely affected by the timely filing requirement.</p>
D-6	<p>Question: What does CMS recommend for filing claims during a declared emergency?</p> <p>Answer: If an emergency were to cause difficulties in filing claims electronically, the Secretary could determine that this unusual circumstance merited waiving mandatory electronic claims filing requirements under the Administrative Simplification Compliance Act (ASCA) and allow paper claims to be filed, if necessary.</p>
D-7	<p>Question: What should providers do when treating a Medicare beneficiary who cannot provide his or her Medicare health insurance claim number at the time services are rendered?</p> <p>Answer: Medicare beneficiaries should not be denied emergency healthcare services.</p> <p>During a situation where the health care needs are not an emergency, the provider should instruct the beneficiary to call the Social Security Administration at 1-800-772-1213 to obtain a new card or to order one on-line at: http://www.socialsecurity.gov/medicarecard/.</p> <p>Providers should hold their claims until the beneficiary receives the new card and provides them with their Medicare number. Claims cannot be processed without the Medicare Number (or health insurance claim number). The Medicare regulation at 42 CFR § 424.44 defines the timely filing period for Medicare fee-for-service claims. In general, claims must be filed on, or before, December 31 of the calendar year following the year in which the services were furnished. Services furnished in the last quarter of the year are considered furnished in the following year (i.e., the time limit is the second year after the year in which such services were furnished). The timely filing period should allow adequate time for the provider to receive the health insurance number and file the claim.</p> <p>In those situations where the beneficiary requires emergency healthcare services in a natural or manmade disaster, the provider should attempt to obtain the Medicare number from the beneficiary, beneficiary's family members, or other providers such as transferring facilities, if possible. Providers can also share patient information to the extent necessary to seek payment for these health care services. If the provider cannot obtain the Medicare number through these other individuals, providers should contact the local Medicare contractor to request the Medicare number.</p> <p>Individual practitioners, such as a sole proprietorship, should be prepared to furnish the following information regarding their enrollment in the Medicare program: the provider's Social Security Number, date of birth and PTAN. Organizational providers should be prepared to furnish the following information about their enrollment in the Medicare program: the name of the authorized or delegated official on file for the provider.</p>

E	Physician Services
E-1	<p>Question: If a physician leaves his/her location to provide services to beneficiaries in a jurisdiction/locality outside of his/her usual jurisdiction/locality, must the physician bill based upon the new location or may he/she bill based upon his/her usual jurisdiction/locality?</p> <p>Answer: Physicians must bill and be paid for the service based upon the actual location/locality in which the service is rendered.</p>
E-2	<p>Question: Will the 60-day locum tenens limit be extended for those affected by the disaster? Some physicians in nearby States are going to the affected disaster areas to help out. In their absence, locum tenens physicians (i.e., temporary or substitute physicians) are substituting for the physicians leaving their medical practices to work in the disaster areas.</p> <p>Answer: No, the 60-day limit for a locum tenens physician may not be extended. However, current Medicare policy allows physicians to cover absences of longer than 60 days by hiring multiple substitute physicians. For example, if a physician needs to be absent from his or her medical practice for 120 days, the absent physician may hire one locum tenens physician to work the first 60-day period and a different locum tenens physician to work the second 60-day period. As an alternative to hiring more than one locum tenens physician, a physician could return to work in his or her practice for a short period of time to reset the 60-day clock.</p> <p>In addition, Medicare policy (for locum tenens billing) does not allow absent physicians to bill for substitute physicians for an indefinite period of absence, nor does Medicare policy allow physicians and other entities to bill for locum tenens personnel to fill staffing voids. The services of temporary personnel to fill staffing needs may be billed using other methods.</p>
E-3	<p>Question: If a practitioner is temporarily working out of another doctor's office (within the same State) due to damage from the emergency, would they need to file a Change of Address for this temporary site?</p> <p>Answer: Yes. In most cases, the physician or non-physician can reassign his or her benefits to the other group by completing the CMS-855R. However, if the physician or non-physician practitioner has not updated their enrollment record in more than 5 years, then the individual practitioner would need to also submit the CMS-855I. Further questions may be referred to the provider's Medicare contractor.</p>
E-4	<p>Question: Will Health Professional Shortage Areas (HPSAs) be extended/expanded in an emergency or disaster?</p> <p>Answer: There are no plans at this time to implement an accelerated HPSA process for areas affected by an emergency or disaster.</p>
F	Ambulance Services
F-1	<p>Question: If the ambulance crew provides treatment but does not transport anyone, can the company bill Medicare for the services provided?</p> <p>Answer: No. Medicare law prohibits payment unless the transport of a Medicare beneficiary has taken place.</p>
F-2	<p>Question: Will Medicare pay for ambulance services for emergency evacuation situations?</p> <p>Answer: Medicare contractors may make payment for ambulance transports for evacuating patients from locations affected by an emergency/disaster. The regulatory requirements must be met in order for such ambulance transports to be covered (i.e., the vehicle must meet certain requirements, the crew must be certified, ambulance services must be medically necessary, the transport must be from an eligible origin and to an eligible destination, certain billing and reporting requirements must be met, and Medicare Part A payment is not made directly or indirectly for the services).</p>
F-3	<p>Question: How will ambulance services be paid when patients are moved from hospital to hospital or other approved locations?</p> <p>Answer: Charges for ambulance transportation will be paid according to the usual payment guidelines. Ambulance transportation charges for patients who were evacuated from and returned to originating hospitals should be included on the inpatient claims submitted by the originating hospitals. Payment will be included in the diagnostic related group (DRG) payment amounts made to hospitals paid under the prospective payment system. Outpatient claims may be submitted as separately billable claims for ambulance charges incurred by those patients who were transported from the originating hospitals and subsequently discharged by receiving hospitals.</p>
F-4	<p>Question: Will Medicare cover ambulance transportation (under Part B) for a beneficiary who has been evacuated from a skilled nursing facility due to an emergency/disaster, and who wishes to return to a nursing facility closer to family members or home after the emergency/disaster is over?</p> <p>Answer: Part B of the Medicare program covers only local ambulance transportation to and from the nearest appropriate</p>

	SNF equipped to treat the beneficiary, as long as the beneficiary is not a SNF resident in a covered Part A stay whose transport would be subject to consolidated billing rules. If there are exceptional circumstances that require transport outside the locality, Medicare can pay for this transport, but only if the destination is still the nearest SNF with appropriate facilities. In any case, the ambulance transport must be medically necessary.
F-5	<p>Question: Do the condition code "DR" (disaster related) and modifier "CR" (catastrophic/disaster related) apply to hospital-based ambulance providers?</p> <p>Answer: The "DR" condition code and the "CR" modifier both apply to ambulance claims submitted by institutional providers to Medicare FIs or MACs. However, only the "CR" modifier, but not the "DR" condition code, applies to suppliers submitting claims to Medicare Carriers or MACs. Neither carriers nor the Part B side of MACs use the "DR" condition code.</p>
F-6	<p>Question: For ambulance claims submitted by institutional providers, does it matter which modifier (the "CR" modifier or the "DR" condition code) is used for an institutional claim?</p> <p>Answer: An institutional provider would use the "CR" modifier to designate any service line item on the claim that is disaster related. If all of the services on the claim are disaster related, the institutional provider should use the "DR" condition code to indicate that the entire claim is disaster related.</p>
F-7	<p>Question: For ambulance claims submitted by institutional providers, where would we use the "CR" modifier on institutional claim submittals?</p> <p>Answer: On the ANSI X12 837 Institutional claim format, this information would go in loop 2400 SV202-3 or SV202-4. On a paper claim, it would be entered in block 44 on the CMS UB-04 form.</p>
F-8	<p>Question: For ambulance claims submitted by institutional providers, where would we use the "DR" (disaster related) condition code on institutional claim submittals?</p> <p>Answer: On the ANSI X12 837 Institutional claim format, this information would go in loop 2300 HI01-2. On a paper claim, it would be entered in blocks 24 -30 on the CMS UB-04 form.</p>
F-9	<p>Question: On claims for ambulance services, would I include the origin/destination modifiers?</p> <p>Answer: You should include an origin/destination modifier for all ambulance claims submitted for separate payment and that are not, under Medicare rules, included in the Medicare payment for an inpatient institutional service.</p>
F-10	<p>Question: If a beneficiary, living at home and using a stationary oxygen unit, has to be transported to another location by ambulance (because other means of transportation are contraindicated), can Medicare pay for any portable oxygen necessary to transport the beneficiary?</p> <p>Answer: Medicare's payment to ambulance providers includes payment for all necessary supplies, including oxygen. Thus, if the transport is a Medicare-covered service (e.g., the beneficiary must be transported by ambulance because other means of transportation are contraindicated), then no separate payment for furnishing oxygen would be available. However, if the transport does not qualify as a Medicare-covered service, then payment under Part B may be made to a DME supplier for furnishing portable oxygen when supplemental oxygen is needed for the beneficiary during the transport.</p>
G	Laboratory & Other Diagnostic Services
G-1	<p>Question: In situations where laboratory specimens are destroyed or compromised by a disruptive event, how will laboratories be paid?</p> <p>Answer: Contractors may consider payment for another drawing fee, specimen transport, or test if the results have not been communicated to the patient's physician.</p>
G-2	<p>Question: Will Medicare pay for diagnostic tests for infectious diseases (e.g., nasal swabs) for beneficiaries?</p> <p>Answer: Under Part B, Medicare will cover diagnostic tests as set forth in 42 CFR § 410.32 and other existing policies. Note, however, that the Social Security Act contains exclusions that bar payment if an item or service was provided free of charge and in other circumstances as specified in 42 CFR Part 411.</p>
G-3	<p>Question: Will Medicare reimburse for rapid flu tests?</p> <p>Answer: Rapid Flu tests may be considered a Medicare benefit under § 1861(s)(3) of the Social Security Act as a diagnostic laboratory test. All services, including rapid flu tests, furnished under the Medicare program must be medically reasonable and necessary and appropriate for diagnosis and/or treatment of an illness or injury.</p>

H	Drugs & Vaccines Under Part B
H-1	<p>Question: Will Medicare help pay for an influenza vaccine only if it has been approved by the FDA?</p> <p>Answer: Yes, Medicare will cover a vaccine only if the FDA has approved it or authorized its distribution, including approvals/authorizations under the FDA's emergency use authority under § 564 of the Federal Food, Drug, and Cosmetic Act.</p>
H-2	<p>Question: Will Medicare pay for a physician's administration of an influenza vaccine to a beneficiary?</p> <p>Answer: Yes, Medicare pays for the administration of the vaccine when it is administered by a qualified Medicare provider or supplier who meets the applicable requirements for billing for the standard influenza virus vaccine and its administration.</p>
H-3	<p>Question: Will Medicare Part B pay for vaccinations of Medicare beneficiaries?</p> <p>Answer: Medicare Part B pays for preventive Hepatitis B vaccinations for high-and intermediate-risk beneficiaries and also for influenza and pneumococcal vaccinations for all Medicare beneficiaries. Medicare Part B will also pay for medically reasonable and necessary vaccinations of beneficiaries against a microbial agent or its derivatives (e.g., tetanus toxin, Hepatitis A) following likely exposure in accordance with normal Medicare coverage rules.</p>
H-4	<p>Question: What can Medicare beneficiaries, who generally receive their Part B drugs at the doctor's office, do when that office is no longer in operation?</p> <p>Answer: If possible, patients should contact their original physician's office to determine if there is an alternate location where they can receive services. If this is not possible, then patients may find another physician. That new physician can provide the necessary Part B drugs and Medicare will pay for them since beneficiaries in original, i.e., fee-for service, Medicare can receive health care services anywhere in the country. (Note: Medicare Advantage (MA) enrollees also can get urgently needed or emergency health care services anywhere.)</p>
H-5	<p>Question: The Department of Homeland Security is working on doing a study with a focus group on having a medical kit at home that would contain various medications for flu or biological agents. If this is approved, would Medicare consider paying for this type of medication kit?</p> <p>Answer: Medicare coverage and payment for home medical kits will depend on the specific contents and use of these kits. Approval of such kits by the Department of Homeland Security does not affect Medicare coverage determination of such kits in whole or in part.</p>
H-6	<p>Question: If a State distributes CDC's Strategic National Stockpile (SNS) drugs to hospitals, what are the Medicare billing rules? How should hospitals handle billing for services that involve the use of SNS provided drugs?</p> <p>Answer: For services rendered to Medicare fee-for-service (FFS) beneficiaries, standard Medicare FFS billing rules apply. This would include following existing policy on no cost items, such as SNS drugs. Hospitals and all providers should work with their other payers to determine the acceptable way to bill those payers for services related to free drugs/tests.</p>
H-7	<p>Question: Will Medicare Part B cover a 90-day supply of drugs in the event that a pandemic occurs, when such drugs are needed to address a chronic condition.</p> <p>Answer: With respect to drugs covered under Part B, with the exception of immunosuppressive drugs -- which are generally limited to a 30-day supply -- but including drugs that need to be administered through DME, contractors have discretion to pay for a greater-than-30-day supply of drugs. When considering whether to pay for a greater-than-30-day-supply of drugs, contractors will take into account the nature of the particular drug, the patient's diagnosis, the extent and likely duration of disruptions to the drug supply chain during an emergency, and other relevant factors that would be applicable when making a determination as to whether, on the date of service, an extended supply of the drug was reasonable and necessary.</p> <p>With respect to immunosuppressive drugs, although Medicare would customarily not pay for more than a 30-day supply (because dosage frequently diminishes over a period of time and because it is not uncommon for the physician to change the prescription from one drug to another), in the event of an emergency, contractors may consider allowing payment for a medically necessary, greater-than-30-day supply of Medicare-covered, immunosuppressive drugs on a case-by-case basis.</p>
H-8	<p>Question: A Medicare beneficiary's supply of a Part B covered drug was affected by the emergency such that the remainder of the prescribed amount of the drug became unusable or lost and must be replaced. Will Medicare pay for a replacement prescription within the timeframe covered by the original prescription?</p> <p>Answer: Contractors may allow payment for replacement prescriptions when reasonable and necessary in circumstances where a prescription is lost or otherwise rendered unusable by damage due to the emergency.</p>
H-9	<p>Question: Can a Medicare beneficiary receive more than a 30-day supply of Medicare Part B covered drugs during an</p>

	<p>emergency?</p> <p>Answer: In some cases, Medicare will allow for more than a 30-day supply of Part B covered drugs irrespective of the existence of an emergency situation. However, where there are specific limits on coverage of additional quantities or time limited coverage periods, Medicare does not pay for additional quantities. For example, oral anti-emetic drugs are covered only when they are used immediately before, at, or within 48 hours after administration of an anticancer chemotherapeutic agent.</p>
I	Durable Medical Equipment, Prosthetics, Orthotics, and Supplies
I-1	<p>Question: Does CMS provide any payments for durable medical equipment damaged during a disruptive event?</p> <p>Answer: Payment can be made for DME that has been repaired or replaced if the DME was damaged as part of a disruptive event related to the emergency/disaster.</p>
I-2	<p>Question: If a beneficiary, living at home and using a stationary oxygen unit, has to be transported to another location, can Medicare pay for any portable oxygen necessary to transport the beneficiary?</p> <p>Answer: Yes. Medically necessary oxygen in connection with and as part of the ambulance service would be included in Medicare's payment to an ambulance supplier when a beneficiary is transported by ambulance and such transport is a Medicare-covered service. In addition, separate payment under Part B can be made to a DME supplier for portable oxygen when medically necessary to transport the beneficiary if the transport itself is not covered by Medicare.</p>
I-3	<p>Question: Will Medicare cover and pay for a surgical mask to prevent the spread of infectious diseases, if prescribed by a physician?</p> <p>Answer: No. There is no Medicare benefit category that would allow for separate coverage of a surgical mask.</p>
I-4	<p>Question: Will CMS cover the cost of a generator for medical needs?</p> <p>Answer: Although a generator may be used to power durable medical equipment, it is not, nor can it be considered to be, medical equipment. By law, Medicare does not have the authority to pay for generators.</p>
I-5	<p>Question: A supplier has been dispensing portable oxygen tanks to beneficiaries per day because power is out in their area and their oxygen concentrators do not function without power. Can CMS provide reimbursement in addition to the fee schedule amount that the supplier is already receiving for that patient? That is, due to the above-normal amount being dispensed can payment be higher than the usual monthly oxygen payments? If so, would there be any particular billing requirements other than the "CR" modifier?</p> <p>Answer: No, the supplier would not receive any additional payments in these situations. Medicare payment for stationary oxygen equipment, stationary oxygen contents, and portable oxygen contents is included in the supplier's monthly fee schedule payment amount. A supplier may receive an "add on" amount as payment for portable oxygen equipment in certain situations if a beneficiary receives portable oxygen after a finding of medical need. Other than this "add on" for patients found to have a medical need for portable oxygen, the monthly payment amount for oxygen and oxygen equipment does not vary depending on the modality of oxygen that is furnished. If a beneficiary's concentrator does not work due to a power outage, the supplier may meet the beneficiary's stationary oxygen needs by furnishing gaseous or liquid stationary equipment until the power is back on in the beneficiary's home.</p> <p>If a supplier chooses to provide portable oxygen equipment in lieu of stationary equipment during this time, the supplier will not receive an additional Medicare payment. The supplier may also choose to pick up the concentrator while the beneficiary is using other stationary oxygen modalities.</p>
J	End Stage Renal Disease (ESRD) Facility Services
J-1	<p>Question: Will a hospital be reimbursed for dialysis services performed on an emergency basis if the hospital does not have a hospital-based renal dialysis center?</p> <p>Answer: Yes. When an ESRD patient cannot obtain his or her regularly scheduled dialysis treatment at a certified ESRD facility and has a medical need to receive an unscheduled or emergency dialysis session in an outpatient hospital setting, the service is payable under the outpatient prospective payment system. The hospital bills under the appropriate revenue code center for HCPCS G0257: UNSCHEDULED OR EMERGENCY DIALYSIS TREATMENT FOR AN ESRD PATIENT IN A HOSPITAL OUTPATIENT DEPARTMENT THAT IS NOT CERTIFIED AS AN ESRD FACILITY.</p> <p>The provisions of payment for this service are applicable to dialysis performed following or in connection with a vascular access procedure, dialysis performed following treatment for an unrelated medical emergency, and emergency dialysis for ESRD patients who would otherwise have to be admitted as inpatients in order for the hospital to receive payment. Generally, CMS will monitor the use of HCPCS code "G0257" to ensure that certified dialysis facilities are not incorrectly using this code and that the same dialysis patient is not repeatedly using this code, which would indicate routine dialysis</p>

	<p>treatment. As a result of an emergency/disaster, however, CMS understands that the unscheduled or emergency dialysis treatment may be necessary for a longer period of time than under otherwise normal circumstances. Hospital outpatient departments may continue to provide this service on an emergent or unscheduled basis, absent any functional, nearby, certified dialysis facility to perform the service. For validation purposes, hospitals should include the condition code "DR" (disaster related) on the claim. In addition, the ESRD patient's home facility would be responsible for obtaining and reviewing the patient's medical records to ensure that appropriate care was provided in the hospital and that, to ensure continuity of care, any necessary modifications are made to the patient's plan of care upon the patient's return to the facility.</p>
J-2	<p>Question: Dialysis providers are required to maintain a Blood Urea Nitrogen (BUN) test weekly on hemodialysis, CCPD patients, and monthly for CAPD home patients. The dialysis provider receiving patients from emergency/disaster-impacted areas may not have this information on hand to bill. What guidance can be given to providers for this situation?</p> <p>Answer: The provider should bill using the latest BUN results available which may be the one taken at the time of treatment. Additional instructions may be found in the IOM 100-4, Chapter 8, Section 50.9, which provides instructions about coding for the adequacy of hemodialysis, as measured by the Urea Reduction Ratio (this section also includes information about the use of modifier "G6" for ESRD patients for whom less than seven dialysis sessions have been provided in the month).</p>
J-3	<p>Question: If a hospital has more inpatient dialysis patients than it is equipped to dialyze but there is a functional outpatient dialysis center nearby to which the hospital sends patients, can both providers bill Medicare?</p> <p>Answer: No. If a hospital inpatient is sent to a functional outpatient dialysis unit nearby, that service should be performed "under arrangements" with the hospital. When services are provided under an arrangement, the first facility retains the professional responsibility for those services and also for obtaining reimbursement for them. The second facility is permitted to seek payment only from the first facility and may not bill the patient or the Medicare program. Hence, under the scenario posed above, the hospital inpatient bundling rule would apply and the hospital should bill for the inpatient stay and dialysis service.</p>
J-4	<p>Question: Value codes "A8" and "A9" are required to be reported on each dialysis claim to report the patient height and weight. The payment for the claim is determined by this information. Given emergency/disaster situations, this information may not be gathered and on hand for billing. Can billing guidance be provided?</p> <p>Answer: This information is necessary for the Medicare system to pay the claim. The height and weight must be reported. Absent the tools to precisely determine the height and weight the provider may use the height and weight as reported by the patient from their last session. For patients impacted by the emergency/disaster, clinically appropriate estimates of weight and height would be acceptable when usual methods are not available. Documentation of the height and weight should be included in the patient's medical records including a description of any alternative methods used as a result of the circumstances. If the height and/or weight were not obtained because of emergency/disaster-related conditions, the provider may submit a claim for the first treatment that does not include the height and/or weight. Include on the claim the condition code DR (disaster related). The FI or MAC will populate the height and/or weight values using the latest information available in the claims history.</p>
K	Home Health Services
K-1	<p>Question: How will payments be processed for home health agencies (HHAs) in an emergency or disaster?</p> <p>Answer: In the event of an emergency or disaster, CMS will advise the RHHIs or MACs to facilitate payment for home health services for beneficiaries who have been displaced due to the emergency/disaster. The RHHI or MAC will work with the HHAs that have transferred or received patients to ensure that claims are processed timely and issues are addressed quickly.</p>
K-2	<p>Question: Can the "residence" component of the homebound requirements be suspended by allowing the delivery of home health services at any site of temporary residence during an emergency or disaster? Can this include a residence that is a nursing facility or hospital provided the patient is otherwise not at such level of care when the patient is using the facility as a medical shelter?</p> <p>Answer: The Social Security Act stipulates that beneficiaries must be confined to the home in order to be eligible to receive home health services. A beneficiary's home is any place in which a beneficiary resides that is not a hospital, skilled nursing facility (SNF), or nursing facility as defined in § 1861(e)(1), § 1819(a)(1), or § 1919(a)(1) of the Social Security Act, respectively. Under the temporary, extraordinary circumstance of a declared emergency or disaster, place of residence can include services provided at temporary locations like a family member's home, a shelter, a community facility, a church, or a hotel. A hospital, SNF, or nursing facility as defined above would not be considered a temporary residence.</p>
K-3	<p>Question: Can the application of Partial Episode Payment (PEP) be suspended for patients displaced to other home health agencies (HHAs) due to an emergency?</p> <p>Answer: Normal prospective payment procedures will apply. We believe it crucial that home health agencies remain responsible for home health beneficiaries, up until a PEP situation is determined. The PEP appropriately truncates the</p>

	<p>previous episode, and allows for a subsequent episode to be established with each home health agency being reimbursed for the services provided.</p>
K-4	<p>Question: If a home health agency (HHA) affected by an emergency is unable to submit within 60 days the final claims for home health episodes that are already begun, Medicare will automatically cancel the request for anticipated payment (RAP) for those episodes. The recovery of the RAP payments will decrease already strained cash flow for this agency. Will CMS waive the requirement to submit final home health claims within 60 days of the end of the emergency episode?</p> <p>Answer: CMS is instructing the Regional Home Health Intermediaries (RHHIs) and MACs to temporarily cease to automatically cancel the RAPs of HHAs in the emergency-affected region. The RHHIs/MACs will identify all HHAs located within the areas affected by the emergency. RAPs for these agencies will be assigned a new cancellation date to be specified. This will allow an additional 60-90 days for the HHAs to resume submission of final claims.</p>
K-5	<p>Question: How should home health agencies (HHAs) that have received patients that were displaced by a declared emergency code their claims for these new admissions?</p> <p>Answer: HHAs should use source-of-admission code "B" (indicating transfer from another HHA) on their requests for anticipated payment (RAPs) for these patients. The use of this code will ensure that Medicare systems do not reject the RAP due to the overlapping home health episode at the prior HHA. This is standard coding procedure for all transfers under the home health prospective payment system, so no other special indicators are needed on these RAPs.</p>
K-6	<p>Question: If beneficiaries who have been receiving home health services cannot obtain emergency-related treatment during the emergency (e.g., medication, vaccination, etc.) from home health agencies (HHAs) within their service area, will CMS suspend any geographic service limitations (consistent with any applicable State requirements) to permit out-of-area HHAs to fill unmet needs?</p> <p>Answer: A Medicare-approved HHA that is able to provide home health services beyond its current geographic service area may do so on a temporary basis during the emergency period, provided that the HHA is in full compliance with State and local law, that the HHA is able to ensure that staff is competent and able to provide appropriate patient care, and that the purpose of the expansion is to provide care to the patients affected by the emergency.</p>
L	<p>Hospice Services</p>
L-1	<p>Question: What is a hospice agency's responsibility in the event of a disaster?</p> <p>Answer: A hospice agency, as indicated in 42 CFR § 418.100(b), "Disaster preparedness," must have an acceptable written plan to be followed in the event of an internal or external disaster, including care of casualties arising from such a disaster.</p>
L-2	<p>Question: If a hospice provider cannot provide care for its patients, can these patients transfer to another hospice provider?</p> <p>Answer: Under the Social Security Act at § 1812(d)(2)(C) and CMS regulations at 42 C.F.R. § 418.30(a), a Medicare beneficiary may transfer from one hospice agency to another hospice for any reason once per election period. If a Medicare beneficiary has already utilized this one-time right to transfer but needs to move again because of a public health emergency, § 1861(dd)(5)(D) of the Act provides for a hospice agency to arrange with another hospice for the delivery of services in extraordinary circumstances. We would not deem a change in hospice under these circumstances to be a voluntary transfer under 42 C.F.R. § 418.30 (i.e., the beneficiary would still be entitled to a voluntary transfer after a transfer for "extraordinary circumstances").</p>
L-3	<p>Question: In the event that the originating hospice is able to resume provision of services to their patients, should patients be transferred back to the originating hospice?</p> <p>Answer: CMS believes that patients should be provided with the choice of resuming care from the originating hospice or continuing with the existing hospice provider. If the beneficiary remains with the "host"/replacement hospice at the end of the emergency period, we would consider this a transfer under our regulations at 42 CFR § 418.30. If a beneficiary uses the services of an alternate hospice agency for a short period of time under arrangement with the patient's "home" hospice due to extraordinary circumstances, neither the departure from nor return to the original hospice agency would be considered a "transfer" within the meaning of 42 CFR § 418.30.</p>
L-4	<p>Question: How should a hospice that temporarily receives a patient from another hospice handle administration of that patient's care plan if the patient arrives with no alternate caregiver information, and/or the admissions officer believes that the patient may be legally incompetent to make health care decisions for him/herself?</p> <p>Answer: Under CMS rules, the health and safety of the patient always comes first. The receiving hospice should complete an assessment of the patient to identify immediate needs and establish a plan of care with the interdisciplinary group (IDG). The receiving hospice should make every effort to contact the original hospice and/or attending physician to discuss the previously implemented plan of care and, if necessary, to determine if the patient is legally competent. If the receiving hospice has access to the plan of care established by the original hospice every attempt should be made to follow the plan if the needs of the patient are such that the original plan will provide the appropriate interventions.</p>

L-5	<p>Question: Who can speak/sign paperwork on behalf of the patient (including discharge and transfer decisions)?</p> <p>Answer: A person's legal authority to make healthcare decisions on behalf of another is a matter of State law; hospices should confer with their counsel to determine whether their State law has provisions which address health care decision-making in emergency/extraordinary circumstances. If the hospice patient cannot speak or sign paperwork, the receiving hospice should make arrangements to get permission for treatment and care pursuant to state requirements.</p>
L-6	<p>Question: Will the hospice inpatient and aggregate payment caps be waived?</p> <p>Answer: Because these caps are not conditions of participation or program participation provisions within the meaning of § 1135 of the Act, it does not appear that statutory authority exists to allow CMS to waive these payment caps.</p>
L-7	<p>Question: If a hospice patient is transferred out of the impacted area due to emergency evacuation by ambulance and admitted to Hospice Inpatient Respite Care several hours away for safety, who is responsible for the ambulance bill to the destination and the return trip?</p> <p>Answer: The emergency waiver authority under § 1135 of the Social Security Act (Act) does not affect how Medicare hospice services are covered. Specifically, as in non-emergency situations, those services and items covered pursuant to §1861(dd)(1)(I) of the Act (which authorizes coverage of "any other item or service which is specified in the plan of care and for which payment may otherwise be made...") would continue to be covered pursuant to existing standards of coverage and payment. Generally speaking, if the ambulance transfer was medically necessary, and if the patient's plan of care described that the patient's terminal illness required ambulance transfer, the hospice would be responsible for the ambulance bill. In a scenario where ambulance transport arrangements are made by a patient's family, and the ambulance transport needs are not documented in the hospice plan of care, the patient would be responsible for the ambulance bill.</p>
M	Hospital Services – General
M-1	<p>Question: I was scheduled for surgery at my hospital next week, but my hospital is unable to get to me. I already had all my tests done. Can I have the surgery at another hospital? Will I need to have the tests done again?</p> <p>Answer: If your physician has re-established his practice near you, you can contact him/her at the new location. However, if you cannot locate your physician, you will need to see another physician who will want to perform his/her own evaluation. If the test results are available, repeat tests may not be necessary. If the test results are not available, they will need to be repeated. A new physician may also have differing criteria as to who is eligible for surgery. Those criteria do vary among health care providers.</p>
M-2	<p>Question: How do inpatient prospective payment system (IPPS) hospitals apply for the Capital PPS Extraordinary Circumstances Exception payments?</p> <p>Answer: To receive payments under the Capital PPS Extraordinary Circumstances Exception provision, a hospital that may be eligible for such payments must make an initial written request to its CMS Regional Office (RO) within 180 days after the occurrence of the extraordinary circumstance causing the unanticipated expenditures for a determination by CMS. If necessary, additional supporting information and documentation may be sent after the 180-day period provided that an initial written request was made to the appropriate RO in a timely manner. A complete written request should include an explanation with supporting documentation of the circumstances that led to the unanticipated capital expenditure, the estimated amount of the expenditure and the sources and amounts of any anticipated reimbursement from other sources (including insurance, litigation and government funding (e.g., FEMA)) directly related to the capital expenditure.</p> <p>The RO will evaluate the completed request and forward its recommendation to the CMS Administrator for a decision based on the nature of the circumstances, any recovered proceeds from other parties, and the amount of financial loss documented by the hospital.</p>
M-3	<p>Question: Patients are taken to a second facility for chemotherapy services because of inadequate staff at the original facility due to the emergency. How should this be billed?</p> <p>Answer: For inpatients, the originating medical facility must bill for these services as part of the original inpatient stay and reimburse the second facility for the use of their chemotherapy services. It is important that this occur so that claims are not submitted with overlapping dates of service. If the originating facility is not able to operate, the receiving facility may bill Medicare, beginning with the date they assumed responsibility for the inpatient. If the services were rendered in an outpatient setting at both facilities, both facilities may bill for their own services as long as the dates of services do not overlap. Specifically, each facility may bill for the particular dates on which they serviced the beneficiary by providing chemotherapy. All facilities need to use the specific line item dates of service for each beneficiary encounter.</p>
M-4	<p>Question: If a hospital inpatient is evacuated to an undisclosed location due to an emergency, what Patient Status (PS) Code should I use on the bill?</p>

	<p>Answer: Given the unknown location of the patient, it would be acceptable for any type of discharging hospital (inpatient acute, inpatient psychiatric, inpatient rehabilitation, long term care, children's, cancer, critical access, etc.) to code PS Code "01", Discharged to home/self care, in this situation. The following system edits and automatic adjustment processes are in place to help ensure that final payment amounts to providers are correct.</p> <ul style="list-style-type: none"> · If the patient was in an acute care hospital, was evacuated (discharged) to an undisclosed location and was subsequently admitted to another inpatient acute care hospital, then the first bill will be automatically adjusted with the PS "02" to pay as if the patient was transferred to another acute care hospital. · Similarly, if the patient was in an acute care hospital and was subsequently admitted to a Skilled Nursing Facility (SNF), Home Health Agency (HHA) or other facility that causes the first hospital to be subject to the post acute care transfer payment methodology, when the subsequent provider submits its bill, the bill from the first provider will be automatically adjusted to pay as if the patient was transferred to the subsequent facility. · If a patient was in a long-term care hospital, and was evacuated (discharged) to an undisclosed location, the payment to the long-term care hospital would be subject to the short stay outlier payment methodology if the length of stay prior to the evacuation warranted that payment adjustment.
M-5	<p>Question: What special considerations will CMS provide on calculating the wage index subsequent to an emergency or disaster? There would be aberrant wage data for the period after the emergency/disaster hit.</p> <p>Answer: If an emergency or disaster were to occur, any additional labor costs that a hospital might incur to address the situation would not be recognized in the wage index until 4 years later. This is the amount of time that is required for the universe of hospitals' cost reports from any wage index base year to be collected and reviewed by CMS. This time frame also provides for a process for hospitals to review and correct their data before it is used in computing the final wage index. Therefore, until the entire wage index development process is completed, neither CMS nor any affected hospitals would have an accurate and objective way of estimating how much the affected hospitals will be paying for labor costs related to the emergency/disaster or of predicting what effect any changes in their labor costs will have on the wage index.</p>
M-6	<p>Question: Will a hospital that administers H1N1 vaccine without charge to physicians on its medical staff be subject to sanction under the physician self-referral ("Stark") law in section 1877 of the Social Security Act (42 U.S.C. 1395nn)?</p> <p>Answer: The Stark law would be implicated if the vaccine administration creates a financial relationship between the hospital and a referring physician. Here, the federal government will make the vaccine available to providers at no cost as part of its response to the H1N1 public health emergency. Hospitals will play a critical role in the federal government's response to the H1N1 flu pandemic. HHS has targeted health care workers, including physicians, as a priority group for receiving H1N1 flu vaccination, and hospitals are well positioned to ensure the efficient and convenient vaccination of many in this target population. Under these circumstances, where the hospital administers H1N1 vaccine that it obtained without charge through the federal government's centralized distribution of the vaccine, no financial relationship would be created between the hospital and the physicians to whom it administers the H1N1 vaccine.</p> <p>In other circumstances, such as if hospitals were to obtain vaccine from an entity other than the government and offer it to physicians without charge, the resulting financial relationship would likely satisfy one of numerous exceptions under the Stark law that would insulate hospitals from sanction. Potentially applicable exceptions to the self-referral prohibition for the provision of a free or discounted vaccine include, but are not limited to, the exceptions for: preventive screening tests, immunizations, and vaccines (\$411.355(h)); nonmonetary compensation (\$411.357(k) (\$355 aggregate amount per year)); medical staff incidental benefits (\$411.357(m) (\$30 per occurrence limit)); or professional courtesy (\$411.357(s)).</p> <p>We note that Section 1135 of the Social Security Act (42 U.S.C. § 1320b-5) provides the Secretary of HHS with the authority to waive Stark sanctions. Thus, under an 1135 waiver, the Secretary could waive any Stark sanctions in connection with the receipt of H1N1 vaccine or could instruct CMS to determine the appropriateness of such waivers on a case-by-case basis. However, the waiver authority is available only in geographic areas and during time periods for which there is <i>both</i> a declaration of a public health emergency (PHE) under Section 319 of the Public Health Service Act and a declaration of an emergency or disaster under the Stafford Act or National Emergencies Act, and even in such geographic areas, an 1135 waiver of Stark sanctions would be available only to the extent that the Secretary determined it to be necessary.</p>
N	<p>Hospital Services – Emergency Medical Treatment and Labor Act (EMTALA)</p>
N-1	<p>Question: Evacuees from States affected by the public health emergency may arrive at hospital emergency departments merely to obtain refills of prescriptions that they lost when they evacuated during a disaster or public health emergency. Must these individuals be given an EMTALA medical screening examination when they come to the emergency department?</p> <p>Answer: Even under non-emergency circumstances, the Emergency Medical Treatment and Labor Act (EMTALA) regulations make it clear that individuals seeking examination or treatment for a medical condition (e.g. prescription refills) need not be given a complete medical screening examination, but rather, one that is appropriate for the request that they make in order to determine that an emergency medical condition does not exist. Hospitals may wish to develop specific protocols that include a streamlined screening examination for individuals seeking prescription refills, consistent with the EMTALA regulations at 42 CFR § 489.24.</p>

N-2	<p>Question: Is it permissible for a hospital to triage individuals with suspected cases of an infectious disease (including particularly an H1N1 flu virus infection) to an alternative site for evaluation under EMTALA? If so, how do we bill for these services?</p> <p>Answer: Under current Emergency Medical Treatment and Labor Act (EMTALA) law and regulations, hospitals are permitted to move individuals out of their dedicated emergency departments to another part of the hospital (on the hospital's same campus) in order to provide the required medical screening examination (MSE) and then, if an emergency medical condition is found to exist, to provide stabilizing treatment or arrange for an appropriate transfer. Sometimes hospitals refer to these as "fast-track clinics" and use them either all year round or during surge in demand for emergency department services during the seasonal cold and flu season. The medical screening examination provided in the "clinic" must be performed consistent with the requirements of the EMTALA provision, by qualified medical personnel who can perform an MSE that is appropriate to the individual's presenting signs and symptoms.</p> <p>If, prior to directing the individual elsewhere in the hospital, qualified medical personnel in the emergency department completed an appropriate MSE and determined that the individual does not have an emergency medical condition, then the hospital has no further EMTALA obligation to that individual and the issue of moving the individual to an alternate site, either on or off the hospital's campus, would be moot from an EMTALA perspective.</p> <p>For services rendered to Medicare fee-for-service (FFS) beneficiaries, standard Medicare FFS billing rules apply. Hospitals should work with their other payers to determine if special billing rules may apply.</p>
N-3	<p>Question: What is CMS's procedure for addressing requests to waive EMTALA?</p> <p>Answer: Because each emergency or disaster presents a unique set of circumstances, especially as they relate to the demand for emergency treatment, CMS calibrates its response to EMTALA-related issues to coincide with the nature of each emergency. But, in general, CMS handles these matters on a case-by-case basis. In an emergency or disaster, CMS, both centrally and through its Regional Offices, will open communications with affected State governments (especially the State Survey Agencies) and with providers, trade groups, and other stakeholders to learn about local conditions. In addition, the State survey agencies are responsible for reporting the status of health care providers affected by the emergency to their CMS Regional Office and CMS relies upon that information to make recommendations to the Secretary regarding the need for EMTALA waivers.</p>
N-4	<p>Question: Has HHS issued any § 1135 waivers in the past that specifically address EMTALA?</p> <p>Answer: Since § 143 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 amended § 1135 of the Social Security Act to add the waiver authority, § 1135 waivers have been issued for Hurricanes Katrina, Rita, Gustav and Ike, for the flooding in Iowa and Indiana during CY 2008, and for the flooding in North Dakota and Minnesota in CY 2009. In each emergency event, sanctions for certain types of EMTALA violations were waived for 72 hours after implementation of an affected hospital's disaster protocol. However, if a public health emergency were to involve a pandemic infectious disease, the Secretary could invoke his or her waiver authority under § 1135 to waive certain EMTALA sanctions and such an EMTALA waiver would continue in effect until the termination of the applicable public health emergency declaration (in accordance with § 1135(e)(1)(B) of the Act).</p>
O	<p>Hospital Services – Acute Care</p>
O-1	<p>Question: Will a hospital be eligible for additional payment for rendering services to patients that remain in the hospital due to the fact that they continue to need medical care but at less than an acute level and those services are unavailable at any SNFs in the area because of the emergency?</p> <p>Answer: A physician may certify or recertify the need for continued hospitalization if the physician finds that the patient could receive proper treatment in a SNF, but no bed is available in a participating SNF. Medicare will pay the DRG rate and any cost outliers for the entire stay until the Medicare patient can be moved to an appropriate facility.</p>
O-2	<p>Question: Are prospective payment providers going to be paid using a special payment method? If not, is there a special DRG that IPPS providers will be reimbursed for this situation?</p> <p>Answer: Normal prospective payment procedures apply to those hospitals reimbursed under the inpatient prospective payment system.</p>
O-3	<p>Question: Due to the unexpected emergent nature of the PPS hospital evacuation, there was not time to work out a financial arrangement with the receiving health care institution. Are PPS hospitals responsible to reimburse the receiving hospital for full charges or how can assistance be provided if problems arise with post evacuation payment negotiations?</p> <p>Answer: Financial agreements between providers are a private matter between those two parties. CMS cannot dictate the terms of these agreements or interfere in providers' negotiations. If the facilities are unable to work out a financial arrangement, CMS may consider allowing each facility to bill for the services it provided. CMS will make these considerations on a case-by-case basis.</p>
O-4	<p>Question: How do Inpatient PPS hospitals apply for the Capital PPS Extraordinary Circumstances Exception payments?</p>

	<p>Answer: To receive payments under the Capital PPS Extraordinary Circumstances Exception provision, a hospital that may be eligible for such payments must make an initial written request to its CMS Regional Office (RO) within 180 days after the occurrence of the extraordinary circumstance causing the unanticipated expenditures for a determination by CMS. If necessary, additional supporting information and documentation may be sent after the 180 day period provided that an initial written request was made to the appropriate RO in a timely manner. A complete written request should include an explanation with supporting documentation of the circumstances that led to the unanticipated capital expenditure, the estimated amount of the expenditure, and the sources and amounts of any anticipated reimbursement from other sources (including insurance, litigation and government funding (e.g., FEMA)) directly related to the capital expenditure. The RO will evaluate the completed request and forwards its recommendation to the CMS Administrator for a decision based on the nature of the circumstances, any recovered proceeds from other parties, and the amount of financial loss documented by the hospital.</p>
O-5	<p>Question: Our hospital received a Medicare inpatient that was evacuated from another hospital that is located in an area that experienced an emergency. The patient was transferred from and to a general acute care hospital that is subject to the inpatient prospective payment system (IPPS). How will Medicare pay for this patient? Will it make a difference if there is a § 1135 waiver for a public health emergency? Will it make a difference if the patient was transferred through the National Disaster Medical System (NDMS)?</p> <p>Answer: Medicare’s payment policy for Medicare inpatients will be the same irrespective of whether there is a § 1135 waiver or the patient was transferred through the NDMS. We will address how Medicare’s payment policy applies to this scenario in several different situations.</p> <p><u>Patient is Discharged from the Receiving Hospital.</u> If the receiving hospital discharges the Medicare patient, Medicare’s normal IPPS payment rules will apply. It will receive Medicare’s normal DRG payment (including outliers if applicable) and the evacuating hospital in the emergency area will receive an acute-to-acute transfer payment up to the full DRG amount.</p> <p><u>Patient is Returned from the Receiving Hospital back to the Original Evacuating Hospital.</u> Payment is “under arrangement” for brief evacuations where the patient returns to the originating hospital (see question and answer about temporary transfers of patients and for more information about financial arrangements between hospitals). There is a single DRG payment to the original evacuating hospital in the emergency area. Otherwise, the acute-to-acute transfer rules apply. For example, if the evacuating hospital has transferred care to the receiving hospital for an extended stay, Medicare’s transfer rules would apply. The evacuating hospital would receive an acute-to-acute transfer payment up to the full DRG amount. If the receiving hospital then transfers the patient back to the originating hospital, it would also receive an acute-to-acute transfer payment up to the full DRG amount. If the original evacuating hospital then discharges the patient, it would receive Medicare’s normal IPPS payment for the second stay. In this scenario, Medicare would make two transfer payments (for the original stay in the evacuating hospital and to the hospital receiving the patient who is not expected to stay briefly and whose care has been transferred) and a third DRG payment back to the original evacuating hospital for the second stay when the patient is discharged. Once again, the three DRG payments in this latter scenario would only occur if the evacuation is expected to be more than brief and there has been a complete transfer of care from the evacuating hospital to the receiving hospital.</p> <p><u>Patient is Still in the Receiving Hospital.</u> If the patient still needs an acute level of inpatient care, see above answers depending on whether patient is discharged or transferred back to original evacuating hospital. If the patient is in need of a sub-acute level of care such as in a skilled nursing facility but a sub-acute bed is unavailable, any inpatient days can be counted as “administratively necessary days.” Medicare would count any charges on those days as being part of the acute IPPS stay towards meeting the cost outlier threshold. If the patient is not in need of either an acute level of inpatient care or a sub-acute level of care, any days that the patient remains in the hospital are not paid for under the IPPS. Charges for any services provided on those days do not count towards determining whether Medicare will make a cost outlier payment.</p>
P	<p>Hospital Services – Critical Access Hospitals (CAHs)</p>
P-1	<p>Question: Will CMS allow CAHs to stock more than 25 beds, to be ready for surge capacity needs, on campus, without being out of compliance as a CAH, since the beds would not be used except in an emergency?</p> <p>Answer: CAHs already have the capability of having extra furniture as long as it is clearly in storage and is not staffed and ready for use. The CAH bed limit is statutory and would require either a statutory change or a section 1135(b) waiver to authorize any exceptions. However, under normal circumstances, CMS counts as part of the 25-bed limit any rooms/spaces that are equipped and clearly ready to be used by simply rolling a “stored” bed into that space. There is a difference between having warehoused beds that provide the ability to add surge capacity during a declared emergency and having beds that can be readily used whenever the CAH wishes to exceed the 25 bed limit. In a clear emergency situation, CMS would notify providers of the extent to which beds could be moved from storage and readied for use (and not counted).</p>
P-2	<p>Question: Does a Critical Access Hospital (CAH) get paid differently depending on whether it is a new admission or a transfer of a patient that is evacuated from an area undergoing an emergency?</p> <p>Answer: No. A CAH will receive 101 percent of reasonable costs for all inpatient services furnished by the CAH (other</p>

	<p>than services of distinct part units) irrespective of whether the patient was discharged from a hospital in an emergency area and then admitted to the CAH or transferred from that hospital.</p>
Q	<p align="center">Hospital Services – Inpatient Rehabilitation Facilities (IRFs)</p>
Q-1	<p>Question: If an inpatient rehabilitation facility (IRF) provider cannot file the Patient Assessment Instrument (PAI) within the specified time frame, they will be imposed a 25% penalty. The FISS system auto applies the penalty, and currently there is not an override/bypass in Fiscal Intermediary Shared System (FISS). Does CMS have a workaround for this, as the only way we see getting around the penalty is for the provider to bill with a “bogus” PAI date that is within 28 days of the patient’s discharge date?</p> <p>Answer: IRF payment policy has allowed for a waiver of the penalty. Do not put a “bogus” date on the claim for the transmission of the IRF PAI. Contractors have the authority to override the penalty in certain circumstances.</p>
Q-2	<p>Question: What billing and Inpatient Rehabilitation Facility (IRF) Patient Assessment Instrument (PAI) procedures should be used when an IRF evacuates a Medicare beneficiary to another IRF?</p> <p>Answer: An IRF may evacuate beneficiaries for short periods of time to another IRF without formally releasing (i.e., “discharging”) the patient. The transferring IRF should make arrangements to reimburse the receiving IRF. In this case, the transferring IRF retains overall responsibility for the patient’s care, and should make sure that the necessary medical documentation is transferred with the patient. Then, the receiving IRF can continue to treat the patient in accordance with the established plan of care. The transferring IRF also retains responsibility for completing the IRF-PAI, and for billing the entire stay to CMS. This procedure is most appropriate when the evacuating IRF expects to bring the patient back within a reasonable period of time.</p> <p>When an evacuating facility formally discharges patients to another IRF, the evacuating facility should consider the expected duration of the evacuation, and the amount of time the patient has already been in the evacuating facility. First, if the evacuation is for 3 days or less, payment for the patient’s entire IRF length of stay (both in the evacuating facility and in the receiving facility) is made to the evacuating facility based on the patient’s initial case mix group (CMG) assignment. When the patient has completed his or her entire rehabilitation episode stay and is discharged, the evacuating IRF is responsible for billing the claim and completing and transmitting the IRF-PAI information according to the special payment provisions for interrupted stays that are outlined in 42 CFR § 412.624(g) and § 412.618(a)(1).</p> <p>Second, if the beneficiary is transferred to another IRF for more than 3 days, the evacuating facility should be aware that the IRF short-stay transfer policy may apply. Under the IRF short-stay transfer policy specified in 42 CFR § 412.624(f), the transferring IRF receives a reduced per diem payment for patients who are transferred to another institutional site of care (such as, for example, another IRF, a SNF, or an acute care hospital) after having stayed in the IRF for less than the average length of stay for the patient’s assigned CMG. This situation does not affect the receiving IRF’s payment, which would be subject to all of the normal IRF payment provisions outlined in 42 CFR § 412.624, including the full CMG payment amount if applicable. The patient must be formally discharged from the evacuating facility and then admitted to the receiving IRF. Both IRFs will need to meet all applicable IRF-PAI requirements.</p> <p>Finally, if the discharged beneficiary had been a patient in the evacuating IRF for a number of days at least equal to the average length of stay for the patient’s assigned CMG and was transferred to another IRF for more than 3 days, the patient must still be formally discharged from the evacuating facility and then admitted to the receiving IRF. Both IRFs will need to meet all applicable IRF-PAI requirements and are subject to all of the normal IRF payment provisions outlined in 42 CFR § 412.624, including reimbursement for both IRFs at the full CMG payment amount, if applicable.</p> <p>Please note that for all the situations described above, the requirements for timely transmission of the IRF-PAI will be relaxed. During an emergency period, the penalty for late submission of the IRF-PAI specified in 42 C.F.R. § 412.614(e) will be waived.</p>
R	<p align="center">Hospital Services – Long Term Care Hospitals (LTCHs)</p>
R-1	<p>Question: For LTCH patients (and other hospitals and post-acute patients) admitted due to a declared emergency, who exhaust their Medicare Part A benefit, will CMS extend Part A coverage and payment for the duration of a declared emergency related admission?</p> <p>Answer: Medicare does not have the authority to extend Part A coverage for those that have exhausted their benefit, but we would note that the Social Security Act (Section 1812) provides beneficiaries with 60 nonrenewable lifetime reserve days from which a beneficiary can draw upon if hospitalized for more than 90 days in a benefit period.</p>
S	<p align="center">Hospital Services – Mobile Emergency Hospitals</p>

S-1	<p>Question: Some States are considering utilizing mobile hospitals, based on military field hospital model as a means of meeting their emergency preparedness needs. Under what scenario could these mobile units be eligible for Medicare funding?</p> <p>Answer: It may be possible for a Medicare participating hospital to operate a mobile facility as a part of the hospital, as long as the mobile unit complies with all the hospital conditions of participation (including the Life Safety Code) and the provider-based rules (including remaining within 35 miles of the main provider). If the mobile unit meets the provider-based regulations at 42 C.F.R. § 413.65, then they use the main hospital's provider number. If not, then the mobile unit will be treated as a freestanding clinic. CMS will gladly work with any State wishing to develop mobile capacity. Situations involving use of mobile units will be evaluated on a case-by case basis.</p>
T	Skilled Nursing Facilities
T-1	<p>Question: Our SNF was affected by the emergency and, as a consequence, some of our patients were transferred to other providers. We have not submitted claims for the month of the transfer. What is the correct patient status code that should be used?</p> <p>Answer: Those affected providers that are aware of the location of their former resident's transfer should include the correct patient status code for the transfer (i.e., patient status code "03" = transfer to SNF). If not aware of the exact transfer, providers should use patient status code "01" (discharged to home or self care) in order to bypass any potential overlapping claim situations. Providers should include "declared emergency" on their remarks page prior to submitting the claim to Medicare.</p>
T-2	<p>Question: Our SNF has received beneficiaries transferred from another SNF provider affected by the emergency. I have submitted my claims to Medicare for the month after the transfer but I am receiving an overlap with the prior month's claim previously sent by the affected SNF. How can I get my claim paid?</p> <p>Answer: Receiving providers should make sure they include remarks indicating "declared emergency" on any claims affected by the emergency. The receiving provider should contact their FI or MAC for assistance with these overlap situations. FIs and MACs shall identify the overlap and develop the claim accordingly, including working with other FIs that might service the affected SNF.</p> <p>If the transferring provider submitted its "transfer-month" claim with a patient status of "30" (still patient) but the patient was actually transferred in that month, the FI/MAC shall adjust the claim or work with the transferring provider's servicing FI/MAC to have the claim adjusted and use an appropriate patient status code to indicate a transfer.</p>
T-3	<p>Question: Will Medicare cover ambulance transportation (under Part B) for a beneficiary who has been evacuated from a skilled nursing facility due to a declared emergency and who wishes to return to a nursing facility closer to family members or home after the emergency/disaster is over?</p> <p>Answer: Part B of the Medicare program covers only local ambulance transportation to and from the nearest appropriate SNF facility, as long as the beneficiary is not a SNF resident in a covered Part A stay whose transport would be subject to consolidated billing rules. If there are exceptional circumstances that require transport outside the locality, Medicare can pay for this transport, but only if the destination is still the nearest SNF with appropriate facilities. In any case, the ambulance transport must be medically necessary.</p>
T-4	<p>Question: How should a facility bill for a beneficiary who was classified into rehabilitation Resource Utilization Group, Version III (RUG-III) group prior to the emergency when the facility is no longer able to provide therapy services as a result of the dislocations associated with the emergency?</p> <p>Answer: As explained in the Long-Term Care Facility Resident Assessment Instrument User's Manual, the RUG-III category stays in place for the Minimum Data Set (MDS) coverage period (e.g., the 5-day assessment can be used to bill from Day 1 up through Day 14, etc.) as long as the MDS was coded accurately. Payment will continue to be made at the assigned rehabilitation RUG level until the end of the covered time frame or until an Other Medicare-required assessment (OMRA) is completed. The OMRA must be completed 8 – 10 days after all therapies have been discontinued.</p>
T-5	<p>Question: Do SNFs have access to Capital PPS Extraordinary Circumstances Exception payments in the same way that inpatient prospective payment system (IPPS) hospitals do? A SNF, just like an IPPS hospital, could have capital-related outlier costs associated with treating an expanded population during an emergency.</p> <p>Answer: No. Section 1886(g)(1)(A) of the Social Security Act which establishes a prospective payment system for inpatient hospital capital-related costs does not apply to skilled nursing facilities. The SNF PPS does not currently have a similar mechanism for addressing unusually high capital costs.</p>
T-6	<p>Question: Will physician extenders be allowed to initially certify the need for skilled care in the absence or unavailability of physicians?</p> <p>Answer: Section 1814(a)(2) of the Social Security Act in fact already allows a nurse practitioner (NP) or a clinical nurse specialist (CNS) to perform not only the subsequent SNF re-certifications but the initial certification as well, so long as the NP or CNS is working in collaboration with a physician and does not have a direct or indirect employment relationship</p>

	with the SNF. Beyond that, the already-existing policy that allows for delayed certifications/re-certifications (as set forth in the Internet-Only Manual at Pub. 100-1, Chapter 4, § 40.5) should be sufficient to address any contingencies related to a declared emergency.
T-7	<p>Question: A provider has residents who are returning to an evacuated facility. If a resident previously exhausted the 100-day benefit period, remained at a skilled level of care, (status code 30, no code 22), was not discharged but was evacuated for a few days and now is back in the facility still requiring skilled care, does that Medicare beneficiary receive any additional days?</p> <p>Answer: No. The intent of a § 1812(f) waiver is to provide additional benefits for a beneficiary who, at the time of the disaster, had exhausted the 100 days of SNF benefits available in the current benefit period and was in the process of establishing a new benefit period. A new benefit period is established after a period of 60 consecutive days elapses during which the beneficiary is not receiving skilled care in a SNF or hospital. In the situation described above, because the beneficiary at the time of the disaster is still receiving skilled care in the SNF after exhausting the 100 days of SNF benefits, he or she would not be in the process of establishing a new benefit period at that point and, consequently, would not qualify for additional coverage under the § 1812(f) waiver.</p>
T-8	<p>Question: Can MDS or RUG III classification system requirements used for determining SNF PPS reimbursement amounts be waived or modified during an emergency situation to allow for increased payment?</p> <p>Answer: No. For example,</p> <ul style="list-style-type: none"> • The following Group Therapy requirements apply as usual: (i) the requirement that a supervising therapist may treat no more than four residents at a time and may not supervise any additional residents outside the group in order to report the full time as therapy time for each group therapy participant; and (ii) the requirement that group therapy minutes are limited to no more than 25% of each resident's total weekly therapy minutes per discipline. • The Assessment Reference Date (ARD) time frames, including the use of grace days, may not be extended to capture therapy time or other services for a later time period so that the case can be classified into a higher RUG-III payment group. For example, Medicare 5-day assessments must be completed using an ARD of days 1-8. You cannot include services provided on day 9 to classify the patient into a higher RUG III group. • The RUG-III requirement that at least one therapy discipline must be provided for at least 5 days during the week cannot be waived in order to classify the resident into the High, Very High or Ultra High rehabilitation groups, which pay more. For these groups, patients must have received therapy where the total minutes of therapy per week are within a specified range and at least one therapy discipline is provided at least 5 days a week. <p>NOTE: In certain instances, it may be appropriate to complete a new assessment to reflect significant changes in the patient's condition that impact care planning or when all therapies have been discontinued. Please consult the MDS Manual for instructions.</p>
U	Mental Health Counseling
U-1	<p>Question: Will Medicare help pay for counseling to help the beneficiary deal with the mental health issues associated with the emergency?</p> <p>Answer: Certain mental health service benefits (including counseling) may be available to Medicare beneficiaries with Part B coverage. In certain situations, partial hospitalization may also be covered.</p>
V	Rural Health Clinics / Federally Qualified Health Clinics
V-1	<p>Question: Medicare covered services are provided by Rural Health Clinics (RHCs) and Federally Qualified Health Centers (FQHCs). May RHCs and FQHCs provide these services to those affected by an emergency? How does Medicare pay for these services?</p> <p>Answer: All Medicare Part B beneficiaries, including those affected by an emergency, are eligible to receive covered services from any Medicare-participating RHC or FQHC, subject to applicable co-pays. The Medicare portion of the payment to the RHC or FQHC is based on the clinic's costs, subject to a limit.</p> <p>Under law, Medicare-covered RHC and FQHC services include:</p> <ul style="list-style-type: none"> • services by physicians, nurse practitioners, physician assistants, clinical psychologists, and clinical social workers; • services and supplies incident to the services of these professionals; • certain visiting nurse (VN) services to the homebound; • pneumococcal and influenza vaccines and their administration; and • for FQHCs only, certain other preventive primary services.

W	Fee-for-Service Administration
W-1	<p>Question: There does not appear to be any contingency to deal with a situation in which a Fiscal Intermediary (FI) or Medicare Administrative Contractor (MAC) is severely impacted by an emergency/disaster and unable to be responsive. Would the work load of an impacted FI/MAC be transferred to other FIs/MACs?</p> <p>Answer: CMS requires that every Medicare contractor have a continuity of operations plan (COOP) to ensure that operations are not materially disrupted so that providers and beneficiaries continue to be served. CMS reviews and approves such plans to ensure that our customers will be adequately served in the event of an emergency/disaster. CMS also has an Agency-wide COOP which, among other things, would address the situation where a particular contractor was wholly or partially unable to maintain operations. For security reasons, the specifics of such COOPs are not made public.</p>
X	Financial Management Policies
X-1	<p>Question: Can the 14-day payment floor be temporarily suspended to improve the cash flow of Part A providers and Part B providers?</p> <p>Answer: No. Cash flow problems can better be resolved through accelerated payments (Part A providers) or advance payments (Part B providers) rather than through suspension of the mandatory payment floor.</p>
X-2	<p>Question: Are accelerated or advance payments available for providers whose practices and/or businesses were severely affected by an emergency/disaster?</p> <p>Answer: For providers who are still rendering some services or who are taking steps to be able to render services again, accelerated or advance payments may be available. Providers in this position should contact their fiscal intermediary, carrier, or MAC for details.</p>
X-3	<p>Question: What is CMS' guideline regarding initiating electronic funds transfer (EFT) for providers affected by an emergency/disaster who had previously received paper payment (check)?</p> <p>Answer: Providers affected by an emergency/disaster may request in writing to their Medicare contractor that they receive payment via electronic funds transfer. The provider must supply all appropriate EFT information, i.e., physician/provider/supplier information and depository information by completing an EFT Authorization Agreement. Also, the provider must have a fully completed CMS enrollment application on file with the contractor. The Medicare contractor must verify the information received from the provider (confirm provider ID number, bank routing number, and account number). Additionally, the contractor may accept fax signatures and waive the 15-day pre-certification period. All Medicare FIs, Carriers, and MACs may continue to initiate EFT via fax and waive the 15-day pre-certification period, as described above, until further notice from CMS.</p>
X-4	<p>Question: If a provider has Medicare debt that it is repaying through the offset of current Medicare payments or an extended repayment plan (ERP) and the provider's or supplier's business was severely affected by the emergency/disaster, can the repayment time be deferred and/or extended?</p> <p>Answer: A provider/supplier may be able to defer two consecutive monthly payments under the ERP, or offset of current Medicare payments may be stopped for a period of up to 60 days, if justified. A provider in this position should contact its fiscal intermediary, carrier, or MAC to make this request. The contractor will determine the appropriate action based on criteria issued by CMS.</p>
X-5	<p>Question: If providers choose to waive Medicare deductible or coinsurance amounts for victims of the emergency/disaster, may the providers claim these waived amounts on the cost report as bad debt? If so, what documentation will be required in order to satisfy auditors?</p> <p>Answer: Providers can waive the coinsurance and deductible amounts and claim bad debt for Medicare patients that they determine to be indigent as provided in 42 CFR § 413.89 and the Provider Reimbursement Manual Part 1, Chapter 3, § 312. The Provider Reimbursement Manual Part 1, Chapter 3, § 312(B) indicates that the "provider should take into account any extenuating circumstances that would affect the determination of the patient's indigence".</p>
X-6	<p>Question: In situations in the past in which accelerated or advance payment have been requested, the request has gone through a very convoluted and stringent process moving from the FI and/or RO and often to CMS central. We would hope that in a catastrophic disaster that involves severe disruption in the health care and financial system infrastructure, that CMS central would communicate clearly to its regions and contractors the nature of the requirements for accelerated/advance payment are and encourage flexibility in reviewing requests, especially related to solvency reviews.</p> <p>Answer: It is CMS' intent to provide expeditious customer service on accelerated or advance payments. However, as with most situations requiring payment, there is a concern that a provider will remain viable, or quickly regain viability, in order to repay the accelerated/advanced payment. Such payments are dependent on future billings; viability is an important factor and FIs/MACs and Regional Offices must ensure that the payments can be repaid through future billings.</p>

X-7	<p>Question: Will CMS charge interest in a catastrophic disaster in which the financial difficulties are out of the provider's control?</p> <p>Answer: Both CMS and the Secretary of the Department of Health and Human Services can waive interest on debts arising from a Medicare overpayment or debt under separate authorities. The nature of a particular emergency would be a key factor in the Secretary's decision to waiver interest on such debts.</p>
X-8	<p>Question: Will CMS consider periodic interim payments to providers as a means of ensuring continued cash flow?</p> <p>Answer: No. Accelerated payments (Part A) or advance payments (Part B) would be a better means of ensuring continued cash flow</p>
X-9	<p>Question: CMS policy for expedited/advance payments is very restrictive. Does CMS have the authority to loosen these rules? If not, would CMS support legislation that would provide additional flexibility to provide for expedited/advance payment in specific disaster circumstances (e.g., to provide advances on payments to facilities experiencing a temporary decline in patient population due to disaster so as to allow the facility to get back up and running)?</p> <p>Answer: Policy and procedures on advance and accelerated payments are tied to the expectation that claims or bills are forthcoming; the delay is temporary and accelerated and advance payments are simply that-- "advanced" funds with the expectation that bills will be used to offset the advance. Medicare's mission is to reimburse for covered Medicare services; therefore, Medicare billings are critical to its mission. There are other agencies responsible for relief and rebuilding programs in the wake of disasters or emergencies.</p>
X-10	<p>Question: Do Fiscal Intermediaries (FIs) and Medicare Administrative Contractors (MACs) have the authority to approve an extension of the deadline to submit a credit balance report for providers in an area affected by an emergency?</p> <p>Answer: Contractors have the authority to approve an extension of the deadline to submit a credit balance report for providers in an area affected by an emergency or disaster. Extensions should be approved for no longer than 90 days or 1 quarter.</p>
X-11	<p>Question: When should contractors send CMS reports on approvals and denials of provider requests for cost report credit balance report extensions in areas affected by an emergency or disaster?</p> <p>Answer: Contractors should submit Emergency reports monthly by the 5th of the following month until notice to cease doing so is issued.</p>
X-12	<p>Question: Should contractors suspend cost report audits of providers in an area affected by the emergency?</p> <p>Answer: Contractors shall evaluate on a case-by-case basis if they should continue cost report desk review and audit activities for providers in areas affected by the emergency.</p>
X-13	<p>Question: When should contractors resume audit activities in areas affected by an emergency?</p> <p>Answer: Contractors should evaluate on a case-by-case basis when they should resume audit activities in the affected areas.</p>
X-14	<p>Question: In the event of an emergency, which providers and suppliers in need of debt repayment relief will be considered to be in an affected area?</p> <p>Answer: A provider or supplier is considered to be located in an affected area if: (a) the provider's facility was physically located within the affected area; and/or (b) the area within which the provider was certified to render services was substantially encompassed within the affected area. Excluded from eligibility for this form of relief are providers and suppliers who have filed for bankruptcy, who are the subject of an active fraud investigation, or who are known to have ceased or suspected of having ceased to do business with, or having discontinued participation in, the Medicare program.</p>
X-15	<p>Question: Are there any changes to accelerated/advance reporting in the event of an emergency?</p> <p>Answer: Yes. Contractors shall add two new fields to their reporting data to reflect the beginning date of withholding and the outstanding balance.</p>
X-16	<p>Question: Do FIs or A/B MACs have the authority to approve accelerated payments in the event of an emergency?</p> <p>Answer: FIs or A/B MACs are given the authority to approve two (2) accelerated payments per provider. Once a provider makes a request for a third accelerated payment, the FIs or A/B MACs shall make a recommendation to the CMS RO or the PO and the CMS RO will determine if the accelerated payment is to be approved.</p>
X-17	<p>Question: Are there any providers who may not receive accelerated payments in the event of an emergency?</p> <p>Answer: Providers who are in a bankruptcy situation, who have an active fraud investigation, or who have not submitted claims within the last three (3) months should not have an accelerated payment approved. If the FI or A/B MAC believes an accelerated payment should be approved in these situations, the FI or A/B MAC shall forward the case to the CMS' RO and copy the A/B MAC PO.</p>

	<p>Providers who have existing Medicare debts may receive an accelerated payment. Funds from an accelerated payment should not be used to offset any existing debt the provider currently owes Medicare.</p>
X-18	<p>Question: Are there any physicians or suppliers who may not receive advance payments in the event of an emergency?</p> <p>Answer: Physicians/suppliers who are in a bankruptcy situation, who have an active fraud investigation or who have not submitted claims within the last three (3) months should not have an advance payment approved. If the Carrier, A/B MAC or DME MAC believes an advance payment should be approved in these situations, the Carrier, A/B MAC or DME MAC shall forward the case to the CMS RO or PO.</p> <p>Physicians/suppliers who have existing delinquent Medicare debts should not receive an advance payment. Again, if the Carrier, A/B MAC or DME MAC believes an advance payment should be approved in these situations, the Carrier, A/B MAC or DME MAC shall forward the case to the CMS RO and copy the PO.</p>
X-19	<p>Question: In the event of an emergency, would CMS consider making advance payments to hospitals that cancel elective cases, and other paying procedures that generate money for hospitals, in order to respond to the influx of medical cases during an emergency, that may not be paying Medicare patients, nor allow for sustainable margins.</p> <p>Answer: No, it is not a Medicare option to grant this request. Payment in such cases, if any, would be made by, and at the discretion of, the Federal Emergency Management Agency (FEMA) and providers seeking such payments should be referred to FEMA.</p>
X-20	<p>Question: What guidelines will contractors follow related to PIP and pass-through payments in the event of an emergency?</p> <p>Answer: Contractors shall work with affected providers (in specified geographic areas) to ensure appropriate cash flow. The following guidelines should be used in making determinations of appropriate PIP or interim pass-through payments:</p> <p>Follow normal operating procedures (i.e., 42 CFR § 413.64(h)(7) and 42 CFR § 413.64(c)(4)), in the recalculation of PIP and interim pass-through payments. When necessary, suspend or adjust PIP and interim pass-through payments to any facility that is not operational or has significantly changed its operations. Also, if any facility changes operations in the future, re-compute PIP and/or interim pass-through payments timely.</p>
X-21	<p>Question: What guidelines shall contractors follow relating to tentative and final settlements in the event of an emergency?</p> <p>Answer: Contractors shall follow the following guidelines on tentative and final settlements for affected providers (in specified geographic areas):</p> <p>Issue tentative and final settlements based on normal procedures for providers whose operations were not impacted by the emergency.</p> <p>Determine on a case-by-case basis, if tentative and final settlements should be issued for providers in the affected areas that were impacted by the emergency. Contractors shall issue tentative and final settlements to providers impacted by the emergency if the settlement results in a payment to the provider. Contractors may delay issuing tentative and final settlements if circumstances merit a delay.</p> <p>Where a contractor determines it should delay making a tentative or final settlement to a provider in the affected area, please notify CMS Central Office of this determination (the POC and timeframes to be specified at the time of the emergency/disaster). The contractor shall re-assess the provider's status every 30 days to determine when it should proceed with the outstanding tentative or final settlement. Contractors shall update such notice by the 15th of each month with any additions or deletions in delayed settlements.</p>
X-22	<p>Question: Are requests for accelerated and advance payments or requests to defer 1 or 2 monthly payments of an ERS retroactive to the effective date of the Secretary's issuance of the 1135 waiver?</p> <p>Answer: Yes</p>
X-23	<p>Question: May a provider delay its monthly payment of their Extended Repayment Schedule (ERS)?</p> <p>Answer: Yes, payments may be deferred; however, the provider should contact their Medicare contractor for more information.</p>
X-24	<p>Question: Are requests for accelerated and advance payments or requests to defer 1 or 2 monthly payments of an ERS retroactive to the effective date of the Secretary's issuance of the waiver?</p> <p>Answer: Yes.</p>
X-25	<p>Question: Will the recovery process for providers receiving an accelerated or advance payment be different due to a Public Health Emergency?</p>

	<p>Answer: If the provider is operating at normal capacity within the first 60 days of receiving an accelerated or advance payment, normal recovery mechanisms should apply. However, if the provider is still experiencing difficulties and the business is not running at normal capacity after an accelerated or advance payment has been issued, CMS may allow additional time to repay the accelerated or advance payment if needed. Contact your Medicare contractor for more details.</p>
X-26	<p>Question: I am an attorney representing a Medicare beneficiary in a liability insurance (or no-fault insurance or workers' compensation) matter. My client's claim has settled. He/she has incurred additional expenses due to a public health emergency. How can I expedite CMS' determination regarding whether or not Medicare has a recovery claim against my client's settlement due to the Medicare Secondary Payer rules?</p> <p>Answer: If you have a client residing in a State where a public health emergency has been declared, you may telephone the Medicare Secondary Payer Recovery Contractor (MSPRC) to request expedited conditional payment information and/or an expedited demand letter provided the case has settled. The demand triggers the process to quickly resolve Medicare claims and releases funds to the beneficiary. The contact number is (505) 798-7500. Please note that this assumes that you have first notified the Coordination of Benefits Contractor (COBC) of your pending case so that the matter has been established in CMS' systems as a potential recovery case. The contact number for the COBC is (646) 458-6682. The MSPRC has no way to expedite further action until a potential recovery case has been established in CMS' systems.</p>