



## **Medicare Skilled Nursing Facility Waiver Details**

### **Background**

On the evening of March 13, President Trump issued a [proclamation](#) that the COVID-19 outbreak constituted a national emergency. This proclamation triggered the ability of Federal Agencies to issue waivers to federal law during the duration of the emergency. The [Department of Health and Human Services issued](#) a number of waivers ranging from HIPAA privacy laws, anti-kickback laws, EMTALA screening requirements for hospitals, and Medicare Advantage Programs. Additionally, [CMS issued](#) a host of 1135 blanket waivers impacting numerous provider types including waivers [specific to skilled nursing facilities](#) (SNF).

### **3-Day Stay Waiver**

CMS is waiving the requirement for a 3-day stay prior hospitalization for coverage of a Medicare Part A SNF stay. The goal is to ensure beneficiaries receive needed SNF care during this emergency and relieve pressure on hospital beds. Typically, Medicare requires a 3-day hospital stay for Part A SNF coverage.

CMS has clarified that this is a blanket waiver, applicable nationwide, regardless of where people are admitted from (hospitals, community, physician's offices, anywhere) or the specific COVID-19 penetration in the area. The Presidential proclamation was a national disaster and the waivers issued are national blanket waivers.

### **Spell of Illness Waiver**

CMS is waiving the spell of illness requirement for establishing a new SNF benefit period. Normally, Medicare regulations state that beneficiaries cannot receive additional SNF benefits until they establish a new benefit period by breaking the spell of illness by being discharged to a custodial care or non-institutional setting for at least 60 days. CMS recognizes that the environment related to COVID-19 may delay or prevent beneficiaries from ending their current benefit period and renewing a SNF benefit period. As such, the waiver provides renewed SNF coverage for extended care without first requiring a new spell of illness allowing beneficiaries up to an additional 100 days of SNF Part A coverage for care needed.

CMS specifically states that the Spell of Illness waiver "will apply only for those beneficiaries who have been delayed or prevented by the emergency itself from commencing or completing the process of ending their current benefit period and renewing their SNF benefits that would have occurred under the normal circumstances."

### **SNF MDS Assessment and Transmissions**

CMS is waiving the timelines requirements for MDS assessments and transmissions to provide relief for SNFs. Guidance has not yet been released on what this specifically means.

### **Effective Dates**

The Waivers are applicable retroactively to March 1, 2020. They will expire in 60 days (subject to extension by the HHS Secretary for successive 60 day periods) OR for the duration of the Presidential COVID-19 national emergency proclamation if earlier.