

**CENTERS FOR MEDICARE AND MEDICAID SERVICES
WAIVERS APPROVED FOR NEW YORK AND NEW JERSEY
HURRICANE SANDY RESPONSE
NOVEMBER 3, 2012**

Under Sections 1135 or 1812(f) of the Social Security Act, CMS has issued blanket waivers in the impacted area of **New York and New Jersey**. Individual facilities do not need to apply for the following approved blanket waivers:

All Providers

- **Bed Capacity:** Under § 1135 waivers, the states of New York and New Jersey are authorized to process certified bed increases for hospitals and nursing homes, per the request from the facility.
- **Survey Activities:** Under § 1135 waivers, CMS has suspended onsite survey activities (except for investigations of immediate jeopardy allegations) in areas impacted by the storm.

Skilled Nursing Facilities

- Under § 1812(f) waivers: Waiver of 3-day prior hospitalization for coverage of a skilled nursing facility stay (Blanket waiver)
- Under § 1135 waivers, the requirements of 42 CFR § 483.20 are waived: Timeframe requirements for Minimum Data Set assessments and transmission (Blanket waiver for all impacted facilities)

Home Health Agencies

- Under § 1135 waivers, the requirements of 42 CFR § 484.20(c)(1): OASIS Transmission timeframes (Blanket waiver for all impacted agencies)
- Under § 1135 waivers, the requirements of 42 CFR § 484.36(d)(2): Two Week Aide Supervision requirements by an RN (Blanket waiver for all impacted agencies)

Hospice

- Under § 1135 waivers, the requirements of 42 CFR § 418.76: Supervision of Hospice Aides every 14 days by a registered nurse (Blanket waiver for all impacted agencies)
- Under § 1135 waivers, CMS has clarified that home health and hospice agencies may provide services in a shelter or alternate location for patients displaced by the storm.

ESRD

Under § 1135 waivers, in response to concerns about dialyzing ESRD patients on an outpatient basis, CMS clarified that when an ESRD patient who 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.

CMS Website

More specific information on flexibilities available during a disaster can be found at:

www.cms.gov/Emergency/

<http://www.cms.gov/About-CMS/Agency-Information/Emergency/Downloads/MedicareFFS-EmergencyQsAs1135Waiver.pdf>

<http://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Downloads/AllHazardsFAQs.pdf>

http://www.cms.gov/Emergency/02_Hurricanes.asp