

## Centers for Medicare & Medicaid Services

### Questions and Answers from Open Door Forum: Hospital/Quality Initiative

November 17, 2021

1. I'm going to ask about the Inpatient-only list. And since CMS determined that performing those 290-whatever procedures is not yet shown to be safe to be performed as an outpatient and you're putting them back on the list, for the next 43 days, should hospitals only perform them as inpatient even though the guidelines for the admission under the Two-Midnight rule are not met?
  - a. The rule doesn't go into effect until January 1<sup>st</sup>.
    - i. If CMS thinks it's unsafe to perform these as an outpatient, and that's why you're putting them back on, then if we perform as an outpatient today when it's not on the Inpatient-only list, aren't we endangering a patient's life and safety by doing that? So therefore, shouldn't we do all of these as inpatient only immediately?
      1. The Inpatient-only list that were discussed today take place as of January 1st. In regards to the safety, we've always maintained that that clinical decision and that judgment of the appropriate site of service location is up to the physician and that patient beneficiary, in consideration of their specific needs in that moment. Those services that were not on the Inpatient-only list are allowed with their clinical determination for that specific beneficiary at this time.
2. Is there any kind of a Webinar regarding GFE requirements? We were on several different calls today and there's a lot of technical questions about different scenarios when GFE will apply, how is it going to play out with Charity Care. Is CMS planning to do any kind of training or service or sessions so people can ask questions? The latest price transparency rules, notifications that we have to provide to patients, there are a lot of technical questions around those rules. So, is CMS planning to have any kind of frequently asked questions sessions to go over these rules? The latest price transparency rules, the, you know, notifications that we have to provide to patients, there are a lot of technical questions around those rules. So, is CMS planning to have any kind of frequently asked questions sessions to go over these rules? Usually, CMS has done that in the past for new regulations.
  - a. We have three open door forums that you can find online and we have a dedicated Web site related to the requirements of the hospital price transparency rule that has a lot of information about the rules.
    - i. Well, not just price transparency; it's also about the estimates, the good-faith estimates we have to give to patients. Is that going to be covered in these open forums or is that something you will schedule some kind of a session?
      1. The No Surprises Act is a separate but related issue. CMS hosted a Special Open Door Forum on the No Surprises Act provider requirements on December 8<sup>th</sup>. *(additional information for No*

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*Surprises Act*) CMS will post a transcript of the session on <https://www.cms.gov/nosurprises/Policies-and-Resources/Provider-requirements-and-resources>. CMS plans to host additional trainings on the No Surprises Act provider requirements in early 2022.

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