

## Home Care Week

### Legislation: NPPs Can Order Home Health Permanently

**Plus: CARES Act lifts 2% sequestration reduction.**

The COVID-19 pandemic is terrible on many fronts, but it has some silver linings. One is that Medicare soon will allow non-physician practitioners to order home health services.

One of the many clauses in the Coronavirus Aid, Relief, and Economic Security (CARES) Act signed into law March 27 broadens home health ordering under Medicare. The law amends Section 1814(a) of the Social Security Act (42 U.S.C.1395f(a)) to add nurse practitioners, clinical nurse specialists, and physician assistants to the list of clinicians who can order home health.

**Stay tuned for timeline:** The **Centers for Medicare & Medicaid Services** must issue a regulation implementing the change, notes the **National Association for Home Care & Hospice**. But "NAHC has requested an expedited implementation from CMS," the trade group says.

Meanwhile, CMS is allowing NPPs to order home health services on the Medicaid side. "We recognize that increased demand on the direct care services provided by physicians during the PHE for the COVID-19 pandemic could cause a delay in the availability of physicians to order home health services in the normal timeframe," CMS says in its new interim final rule implementing a host of regulatory changes to help providers deal with the novel coronavirus pandemic. "In recognition of the critical need to expand workforce capacity, we are amending 42 CFR 440.70 to allow licensed practitioners practicing within their scope of practice, such as, but not limited to, NPs and PAs, to order Medicaid home health services during the existence of the PHE for the COVID-19 pandemic."

The Medicare regulatory change is "huge," notes **Dave Macke** with **VonLehman & Co.** in Fort Wright, Kentucky. "The industry's been pushing for that for years."

The change "will remove an unnecessary administrative burden ...and allow Medicare beneficiaries to receive care from their chosen provider," NAHC cheers.

Other CARES Act HH provisions include:

- **Sequestration elimination.** "During the period beginning on May 1, 2020 and ending on December 31, 2020 ... Medicare programs ... shall be exempt from reduction under any sequestration order" the law says.
- **Telehealth.** For home health, "the Secretary of **Health and Human Services** shall consider ways to encourage the use of telecommunications systems, including for remote patient monitoring ... and other communications or monitoring services," the law instructs. (See CMS telehealth provisions, this page).
- **Small business loans.** The law enacts the Paycheck Protection Program administered through the **Small Business Administration**, notes law firm **Sidley** in online analysis. The program provides up to \$349 billion in loans to eligible entities, with such loans being subject to forgiveness under certain circumstances (see more details in story, p. 96).

Note: See the law's text at [www.congress.gov/bill/116th-congress/house-bill/748/text](http://www.congress.gov/bill/116th-congress/house-bill/748/text).