



RON DESANTIS
GOVERNOR

May 3, 2020

Administrator Seema Verma
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
Hubert Humphrey Building, Room 445-G
200 Independence Avenue, SW
Washington, DC 20201

Dear Administrator Verma:

The State of Florida appreciates the flexibilities granted by the Centers for Medicare & Medicaid Services (CMS). These flexibilities support our efforts to meet the needs of vulnerable populations during the COVID-19 emergency. Although these options have gone a long way to assist our State, I now write to request your assistance with a pressing matter emerging in Florida and most likely nationwide: how to appropriately reimburse hospitals that care for long-term care residents who do not meet normal hospital admission criteria.

I am charging hospitals to work closely with their community long-term care facilities to stop the spread of the virus. This may mean using the inpatient setting as an alternative treatment site to ensure optimal care when a hospital has vacant beds and sufficient surge capacity. The inpatient setting should be an option for COVID-19 positive individuals that may not meet normal hospital admission criteria. The inpatient setting should also be an option to extend the stay for COVID-19 positive patients admitted at a hospital that may otherwise be ready for discharge. Returning a hospitalized COVID-19-positive patient to a nursing home that is ill equipped to isolate and care for the patient can spark an outbreak in the nursing home.

Current guidance does not provide a clear path for reimbursement in these situations. Therefore, we recommend the following:

- Expand upon the guidance provided in the March 28, 2020, flexibilities document for Long Term Care Facilities, specifically related to "CMS Facilities Without Walls (Temporary Expansion Sites)." In those situations where the long-term care facility does not intend to provide services under an arrangement with

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the hospital, and the hospital is assuming full responsibility for the patient's care, **CMS should allow the hospital to bill Medicare for a lower acuity hospital stay or establish a rate, such as the inpatient rehabilitation facility rate, that may be used in these instances.**

This is a critical time for our State as we focus on reopening efforts, expanding our testing strategy, and continuing our aggressive approach towards protecting those most susceptible to this virus. The flexibility we are seeking in this letter is vital to our success. We appreciate your decisive leadership during this challenging time and look forward to our continued partnership.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ron DeSantis', with a stylized flourish extending to the right.

Ron DeSantis
Governor