

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Atlanta Regional Office
61 Forsyth Street, SW, Suite 4T20
Atlanta, GA 30303-8909



CONSORTIUM FOR QUALITY IMPROVEMENT AND SURVEY & CERTIFICATION OPERATIONS

October 18, 2017

Jason M. Healy, Principal
The Law Offices of Jason M. Healy, PLLC
1701 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20006

Re: Hurricane Irma 1135 Waiver Request

Dear Mr. Healy:

Thank you for your waiver request summarized below.

Waiver Request

Select Specialty Hospital-Savannah moved 20 patients on September 7 and September 8 due to expected coastal flooding related to Hurricane Irma. Select Specialty Hospital-Augusta in Georgia accepted 14 patients. Regency Greenville in South Carolina accepted 6 patients. These patients have been treated at Augusta and Greenville and returned to Savannah on September 14. All three hospitals are operated by subsidiaries of Select Medical, but none of the hospitals share a Medicare provider number.

We understand that each of these patients will be treated as three separate LTCH admissions and discharges under Medicare regulations and policies because the LTCH interrupted stay policy does not apply to patients that are transferred between LTCHs. See 42 C.F.R. § 412.531(a); 67 Fed. Reg. 55954, 56005 (Aug. 30, 2002); Long Term Care Hospital Prospective Payment System: Interrupted Stay, MedLearn, ICN 006395 December 2012 (retired). However, the shortened patient stays caused by the hurricane evacuation will unfairly drag down the ALOS for each of these LTCHs. This could jeopardize the hospitals' LTCH status with the Medicare program. Therefore, we respectfully request a waiver of the LTCH ALOS requirement for all three LTCHs for the patients evacuated from Select Specialty Hospital-Savannah due to Hurricane Irma.

Reply

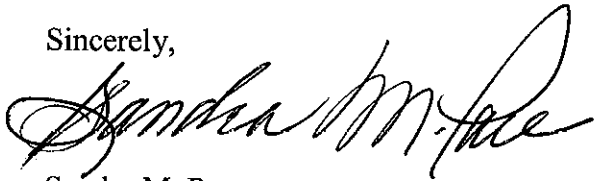
If a long-term care hospital (LTCH) admits a patient solely in order to meet the demands of the emergency, and there is an applicable 1135 waiver, the patient's stay will not be included for purposes of the average length of stay calculation in § 412.23 (e)(3)(i). The LTCH must clearly indicate in the medical record where an admission is made to meet the demands of the emergency and must annotate all Medicare fee-for-service claims related to such admissions with the "DR" condition code or the "CR" modifier, as applicable, for the period that the LTCH remains affected by the emergency.

This waiver request is granted for the twenty (20) patients evacuated from Select Specialty Hospital – Savannah (11-2011) and sent to Select Specialty Hospital – Augusta (11-2013) and to Regency Hospital – Greenville, SC (42-2009) for the time period September 7, 2017 through September 14, 2017. Please contact your Medicare Administrative Contractor (MAC) for assistance with billing, if needed.

If you have questions or concerns, please contact Larry Clemons at Larry.Clemons@cms.hhs.gov or at 404-562-7433.

Your cooperation is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra M. Pace". The signature is fluid and cursive, with the first name being the most prominent.

Sandra M. Pace
Associate Consortium Administrator
Consortium for Quality Improvement and Survey & Certification Operations

cc: Kristen Dixon, Associate Regional Administrator
Melanie Simon, Director, Georgia State Survey Agency
Mary Jo Roue, Director, South Carolina State Survey Agency
Cahaba Government Benefit Administrators, LLC (MAC-GA)
Palmetto GBA, LLC (MAC-SC)