

Important Message from CMS Regarding Expiration of Hurricanes Gustav and Ike Waivers

Gustav and Ike Waivers Expire

In September 2008, the Centers for Medicare & Medicaid Services (CMS) issued guidance that discussed the statutory requirement under Medicare's Skilled Nursing Facility (SNF) benefit for a 3-day prior hospital stay, and the inability of beneficiaries who were evacuated or transferred as a result of Hurricanes Gustav and Ike to meet this requirement. This guidance provided temporary emergency coverage of SNF services that are not post-hospital SNF services under our authority in section 1812(f) of the Social Security Act (the Act), for those beneficiaries who are evacuated, transferred, or otherwise dislocated as a result of the hurricanes.

In addition, for beneficiaries who (prior to the hurricanes) had been recently discharged from an SNF after utilizing some or all of their available SNF benefits, this guidance addressed the inability to meet the requirement to end an existing Medicare benefit period (or "spell of illness") before renewing SNF benefits. Under the authority of section 1812(f) of the Social Security Act (the Act), this policy enabled such beneficiaries to receive up to an additional 100 days of SNF Part A benefits for care needed as a result of the hurricanes, without first having to end a spell of illness by being discharged to custodial or non-institutional care for a 60-day period.

Unlike the general waivers issued in response to the hurricanes under the authority of section 1135 of the Act, these two SNF-related policies were not limited to States designated as emergency areas. Rather, they would apply to all beneficiaries who were evacuated from an emergency area as a result of the hurricanes, regardless of where the "host" SNF providing post-hurricane care was located. In addition, these two SNF-related policies would remain in effect until such time as CMS issued a notification that normal procedures would resume.

We hereby announce the termination of these SNF-related policies concurrently with the 90-day expiration of the Public Health Emergencies (PHEs) declared for Hurricanes Gustav and Ike. The waivers and modifications granted under the section 1135 waiver authority also terminate concurrently with the expiration of the PHEs. The expiration dates for the PHEs are shown below. Accordingly, effective with SNF admissions occurring on or after the termination dates listed below, the Internet-Only Manual instructions for determining compliance with the SNF benefit's prior hospitalization and benefit period requirements shall apply.

Finally, all program policies and Questions and Answers that implemented modifications to program requirements under the section 1135 waiver authority for Hurricanes Gustav and Ike are no longer applicable on and after the dates stated below. Therefore, claims with dates of service on or after the termination dates cited below will follow all normal program requirements.

<u>Hurricane(s)</u>	<u>State(s)</u>	<u>§1812(f)/1135 Waiver Term. Dates</u>
Gustav	Mississippi, Alabama	November 29, 2008
Gustav and Ike	Texas	December 10, 2008
Gustav and Ike	Louisiana	December 12, 2008