President's Perspective – Politics and Medicaid Expansion

The extra-curricular political activities surrounding the issue of Medicaid expansion continue. We recently discussed that Sen. Susan Wagle, the Kansas Senate President, is attempting to tie the fate of expansion to the passage of a constitutional amendment regarding abortion regulation in Kansas. That hostage situation continues, and the fate of Medicaid expansion in Kansas remains a big question mark.

But for some, it is apparently not enough to keep the expansion legislation from passing. A group of state senators has now let it be known that they think Sen. Jim Denning, the Senate Majority Leader, acted improperly in attending meetings with Gov. Laura Kelly designed to help mobilize support for the issue.

At issue is a couple of meetings Sen. Denning attended with Gov. Kelly last week in Wichita. One was with a group of faith leaders, the other was held at Ascension Via-Christi in Wichita and focused on healthcare leaders, especially hospital leadership.

The list of complaints against Sen. Denning for participating in these meetings is rather remarkable. Detractors said the act of appearing with the Governor at meetings to push for passage of their agreed upon legislation was "incompatible" with the job of Senate Majority Leader, a position Denning currently holds. He was further accused of "carrying the governor's water" and putting some Republican senators in electoral trouble by appearing with the Governor. There also was an expression of concern that some thought the bill Denning drafted was intended more as a way to play defense against Medicaid expansion.

I happened to be at one of the meetings in question, and I certainly did not observe Sen. Denning "carrying the governor's water." In fact, Sen. Denning spent most of his time going over elements of the legislation unrelated to expansion, including talking about his reinsurance plan. I am confident this is not the first time that a Senate Majority Leader has used a public gathering to speak out about the need to pass legislation. It is troubling, though, that some saw Sen. Denning's proposal as more of a defensive effort to stop other expansion legislation. And it's just as troubling that he would be accused of causing political problems for elected officials who oppose expansion, as if that should be something he should even worry about.

To his credit, Sen. Denning absorbed all these criticisms without wilting. In fact, when he was asked by his detractors not to appear at similar meetings in the future, he declined. It's good to see Sen. Denning's commitment to Medicaid expansion and the need for a bipartisan solution. Let's hope that attitude prevails as the 2020 legislative session moves forward.

--Tom Bell
Coronavirus Guidance for Employers: Is Your Hospital Prepared? – March 20
The coronavirus continues to spread, and a positive case has now been confirmed in Kansas. Facilities are taking many steps to prepare for a broader outbreak. Are you also preparing for the impact on your hospital’s employees?

Join KHA for a Noon Briefing on Friday, March 20, when Foulston Siefkin employment attorney, Tara Eberline, will discuss key employment issues sparked by the COVID-19 outbreak. Topics include possible employee quarantines, the impact on leave policies, Occupational Safety and Health Administration requirements related to safe workplaces, and more.

Please contact the KHA Education Department (785) 233-7436 if you have any questions.

--Hayley Finch-Genschorck

Agenda Set for 2020 KHA Spring District Meetings
The Kansas Hospital Association’s Spring District Meetings are great informational and networking opportunities for our members, as well as an opportunity for the KHA staff to gather member input. We encourage CEOs, trustees and senior staff to join us. We want to have interactive conversations, so feel free to bring key staff working and/or interested in the topic areas below.

- Readiness and Collaboration – COVID-19
- Hospital Quality Initiatives and Resources
- State and Federal Advocacy
- Community Conversations and Rural Model
- Strategic Planning
- Kansas Health Service Corporation and APS Spotlight Services
- KHA and KHERF Updates

The full agenda can be found online. Join us at 8:30 a.m. for networking with your peers and KHA staff. The meetings will run from 9:00 a.m. to 1:00 p.m. with lunch provided. Members are free to attend at any location, so pick the location that best fits your schedule! These meetings are provided at no charge.

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Please contact the KHA Education Department at (785) 233-7436 if you have any questions.

--Hayley Finch-Genschorck

**CDC Updates Guidance on PPE and Isolation Rooms**

The Centers for Disease Control and Prevention issued important new guidance on the use of personal protective equipment, including substituting surgical masks for N95 respirators when supply chain constraints are present. CDC also has updated its recommendations regarding need for an airborne infection isolation room.

--Karen Braman

**Covid-19 Staffing Resources**

APS Staffing, a joint venture of KHA and MHA, in partnership with several national staffing agencies, announces a crisis-staffing program. These agencies are proactively qualifying a workforce of nurses, respiratory therapists and other staff that may be needed to respond rapidly in the event that patient census or core staff availability become more serious problems.

Workers are already deployed in New York, Washington, California, and Florida, with additional needs are being received daily. Being proactive about impending staffing demands will allow your facility to respond before a crisis hits. Please contact Jan O'Brien for more information at (913) 327-7605.

--Jan O'Brien

**Distance Learning and Telemedicine Grant**

The U.S. Department of Agriculture Distance Learning and Telemedicine program helps rural communities use the unique capabilities of telecommunications to connect to each other and to the world, overcoming the effects of remoteness and low population density. For example, this program can link teachers and medical service providers in one area to students and patients in another. Applications are due by April 10, 2020. Applicants are required to provide a minimum 15 percent match. Awards can range from $50,000 to $1,000,000. More information about the 2020 program can be found on the USDA website.

--Jennifer Findley

**2019 American Hospital Association Annual Survey**

This week, the Kansas Hospital Association emailed hospital CEOs and CFOs materials necessary to complete the 2019 AHA Annual Survey. The survey deadline for completion is May 8. Survey results provide information critical to advocacy efforts and to populate www.khastat.org. Survey materials included a walkthrough explaining how to complete the survey online and a copy of the survey as a reference.

In an effort to improve the accuracy of information provided, KHA encourages facilities to complete and submit the survey online. The web-based collection tool is easy, efficient and secure. For assistance with survey login, or if you need an extension to complete the survey, please contact Dee Lewis at (785) 233-7436.

--Sally Othmer
CMS Issues EMTALA Guidance Related to Screening Coronavirus Patients
In response to inquiries from hospitals and Critical Access Hospitals concerning implications of COVID-19 for their compliance with EMTALA, the Centers for Medicare & Medicaid Services recently released a memorandum for hospitals and surveyors. This guidance applies to both Medicare and Medicaid providers. Included in the guidance is a questions and answers section that provides specific information on screening coronavirus patients.
--Deborah Stern

Coffeyville Regional: Improving Early Recognition and Treatment of Sepsis
Following a Joint Commission survey in December 2018, the team at Coffeyville Regional Medical Center realized they had taken an eye off the ball when it came to sepsis. They identified a gap in early identification of Systemic Inflammatory Response Syndrome criteria and organ dysfunction, as well as implementing appropriate CMS sepsis core measure interventions—specifically nurse-driven interventions. In just the first year, their efforts have led to significant improvements. Read their success story.
--Cindy Samuelson

HHS Issues Final Rules on Interoperability and Information Blocking
This week, the U.S. Department of Health and Human Services Office of the National Coordinator for Health Information Technology and Centers for Medicare & Medicaid Services finalized two rules to promote electronic health information exchange. The ONC final rule implements the information blocking provisions of the 21st Century Cures Act by outlining exceptions to the definition of information blocking under the law. The rule also updates the 2015 Edition certification criteria for health information systems to ensure that certified health IT systems can send and receive electronic health information in a structured format; make that electronic health information available through application programming interfaces; and export a patient’s electronic health information to a location designated by the patient.

The CMS final rule requires Medicare Advantage organizations, state Medicaid and Children’s Health Insurance Program fee-for-service programs, Medicaid managed care plans, CHIP managed care entities, and qualified health plan issuers in the federally facilitated exchanges to implement the same API standards as the ONC rule by 2021.
--Sally Othmer
WHO Declares COVID-19 A Pandemic
The World Health Organization has upgraded the status of COVID-19 to a pandemic. According to WHO, the change is related to the "alarming levels of spread and severity and by the alarming levels of inaction."

Updated Guidance from Regulatory and Accreditation Agencies Available
The Centers for Medicare & Medicaid Services has issued various fact sheets, FAQs and press releases about certain COVID-19 issues.

- CMS Issues Call to Action for Hospital Emergency Departments to Screen Patients for Coronavirus
- EMTALA Requirements and Implications Related to COVID-19
- Telehealth Benefits in Medicare are a Lifeline for Patients During Coronavirus Outbreak
- CMS Issues Clear, Actionable Guidance to Providers about COVID-19 Virus
- CMS Sends More Detailed Guidance to Providers about COVID-19
- CMS Issues Guidance to Help Medicare Advantage and Part D Plans Respond to COVID-19

The Joint Commission sent out a letter to accredited hospitals explaining the agreement they have reached with CMS concerning survey activity amid COVID-19. TJC notes they will continue to perform surveys if certain conditions exist. The agency also noted their ability to help accredited organizations in developing appropriate response plans to the COVID-19 threat.

CMS Releases FAQs about COVID-19 Treatment
The Centers for Medicare & Medicaid Services released an FAQs document for health care providers regarding Medicare payment for laboratory tests and other services related to coronavirus disease 2019. The document provides guidance on the following:

- How to bill and receive payment for testing
- Medicare's payment policies for laboratory and diagnostic services, drugs and vaccines under Medicare Part B, ambulance services and other medical services
- Billing for telehealth or in-home provider services
- CMS Announces IQR Education Session

A webinar for hospitals participating in the Hospital Inpatient Quality Reporting Program is scheduled at 1 p.m. Thursday, March 19. Registration is required for the presentation, "Hospital IQR Program Requirements for CY 2020 Reporting (FY 2022 Payment Determination)."

Trump Signs Coronavirus Emergency Funding Package
Last week, President Donald Trump signed the $8.3 billion emergency spending package to combat the COVID-19 outbreak. This measure provides financial support for response efforts, development of possible vaccines and treatment.
CDC Provides Updated COVID-19 Testing Criteria
The Centers for Disease Control and Prevention updated COVID-19 testing criteria to allow clinicians to use their judgment to determine if a patient has signs and symptoms compatible with COVID-19 and whether the patient should be tested. Providers who need to test for COVID-19 should contact their local public health department or the 24-hour Emergency Response Center at 800-392-0272 for testing kits. Private companies will be able to begin testing as early as today with capacity expanding in the coming days.

CMS Addresses Coronavirus Spread
The Centers for Medicare & Medicaid Services issued a news release outlining steps being taken by the agency to address the spread of COVID-19. CMS placed health care providers on notice to ensure sound infection control principles are being employed consistently throughout facilities. CMS announced its plans to ensure compliance by alerting all state agencies and accrediting organizations to focus all survey attention on infection control and other serious health threats and issues. The agency communicated their expectations and provided supporting information through the following three memos.

- Suspension of Survey Activities
- Guidance for Infection Control and Prevention Concerning Coronavirus Disease: FAQs and Considerations for Patient Triage, Placement and Hospital Discharge

Guidance for Infection Control and Prevention of Coronavirus Disease 2019 in Nursing Homes

MLN Connects Provider eNews Available
Updates to MLN Connects Provider eNews were issued by the Centers for Medicare & Medicaid Services. eNews includes information about national provider calls, meetings, events, announcements and other MLN educational product updates. The latest issue provides updates and summaries of the following:

- Medicare Promoting Interoperability Program
  - Submit proposals for new measures by Wednesday, July 1
- 2018 geographic variation public use files
- Average sales price files: April 2020
- Program for Evaluating Payment Patterns Electronic Reports for short-term acute care hospitals

CMS Invites Comments on Draft 2021 QRDA I Implementation Guide
The Centers for Medicare & Medicaid Services invites comments on the draft 2021 CMS Quality Reporting Document Architecture Category I Implementation Guide for Hospital Quality Reporting. Additional information, including how to submit comments, is available. The deadline to submit comments is Wednesday, April 1.