

Hospice and Palliative Care Resources for the Coronavirus Disease (COVID-19)



NHPCO COVID-19 Update – 03/19/20

NHPCO has created this update for hospice and palliative care providers to share the most recent news and helpful links regarding this ongoing public health crisis.

Policy Updates

President Trump Signs 2nd Coronavirus Response Package into Law

Last night President Trump signed H.R. 6201, *Families First Coronavirus Response Act*, a multibillion-dollar emergency aid package aimed at helping Americans impacted by the coronavirus. This is the second legislative package passed by Congress to address the COVID-19 public health emergency. Congress and the Administration are currently drafting a third stimulus plan that is aimed to assist small businesses, workers and specific sectors of the economy impacted by the coronavirus. NHPCO, along with other national stakeholder groups, has [submitted a request](#) to Congress for inclusion in this package or a subsequent one. The White House and Congress have also proposed sending direct cash payments to Americans.

H.R. 6201, *The Families First Coronavirus Response Act*, has provisions offering both paid sick leave and emergency medical leave benefits for some Americans, with tax credits for employers ([see attached table for who qualifies for leave and tax credits](#)), bolstered unemployment benefits and free diagnostic testing for the virus. In addition, there is a telehealth provision in the bill that does not impact hospice because the provision only changes the definition of qualified providers of telehealth services during an emergency, and hospice is still not authorized. NHPCO has continued to advocate that during a public health emergency the use of telehealth to fulfill the hospice face-to-face requirement.

President Trump Invokes Defense Production Act

Yesterday, President Trump during a press conference said he would invoke the Defense Production Act which would permit the administration to require American businesses to manufacture medical supplies that are necessary, but not in supply to combat the growing coronavirus public health emergency. According to [reporting in the Hill](#), “hospitals, health workers and state and local officials have said they are quickly running out of personal protective equipment (PPE), like masks, gowns and gloves, that are crucial to keeping doctors and nurses on the front lines of the pandemic safe.” NHPCO is aware of the short supply of available PPE and has been advocating to policymakers to make sure that accessible PPE makes it into the hands of hospice and palliative care providers.

Provider Information

Hospice Care via Telehealth Visits

The recent telehealth guidance is intended to provide flexibility for Part B providers, such as physicians and other health care providers. There are no provisions at this time for hospice visits to be conducted via telehealth, including hospice face-to-face visits. NHPCO is in constant contact with CMS requesting additional flexibility in this area.

Hospice Provider Access to Facilities

- ***Nursing facilities*** - We are hearing from hospice providers that challenges continue regarding access to nursing facilities either for all staff or selected IDT staff. If you have not accessed and utilized the updated guidance from CMS we recommend that you attempt to gain access utilizing this guidance ([Guidance for Infection Control and Prevention in Nursing Homes and Hospice \(REVISED\)](#) – NHPCO Fact Sheet (3/14/20)). We are in contact with CMS to express our ongoing significant concern about these access issues.
- ***Assisted Living Facilities (ALFs)*** - ALFs are regulated at the state level and they are not Medicare/Medicaid certified, so CMS will not provide any guidance related to access issues. We have heard from providers that they have contacted their state licensure entity, and some have reached out to their Governors for assistance with access issues.

Resources

Resources from the CDC

- [Strategies for Optimizing the Supply of PPE \(3/17/20\)](#)
- [Strategies for Optimizing the Supply of N95 Respirators: Crisis/Alternate Strategies \(3/17/20\)](#)

OCR Enforcement Discretion on Telehealth Remote Communications

Effective immediately, the Office of Civil Rights (OCR) will exercise its enforcement discretion and will **not** impose penalties for noncompliance with the regulatory requirements under the HIPAA Rules against covered health care providers in connection with the good faith provision of telehealth during the COVID-19 nationwide public health emergency. A covered health care provider can use any **non-public facing** remote communication product that is available to communicate with patients.

- ***Applications allowed:*** Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, or Skype However, **public facing** communication should **not** be used in the provision of telehealth.
- ***Applications not allowed:*** Facebook Live, Twitch, TikTok, and similar video communication applications.

Providers should enable all available encryption and privacy modes when using allowable applications **and** are encouraged to notify patients that these third-party applications potentially introduce privacy risks. The OCR exercise of discretion applies to telehealth provided for any reason, regardless of whether the telehealth service is related to the diagnosis and treatment of health conditions related to COVID-19. For full details of the notice, access: [OCR Enforcement Discretion Telehealth 03.17.2020](#).