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| Department: | Utilization Management | Original Approval: | 12/14/2011 |
| Policy No: | UM231 | Last Approval: | 08/12/2024 |
| Policy Title: | Obtaining Medicare or State Benefits During a Federal or State Disaster or Other Public Health Emergency Policy | | |
| Approved By: | Clinical Services Leadership Team | | |
| Dependencies: | N/A | | |

Purpose

The purpose of this policy is to provide guidelines for facilitating the provision of benefits for Medicare or State beneficiaries during a federal or Washington state disaster or other public health emergency in accordance with Centers for Medicare and Medicaid Services (CMS) or with Washington State Health Care Authority (HCA) requirements.

Policy

This policy applies during any declared emergency or disaster in Washington state (for example, if the governor of Washington state declares an emergency, or if FEMA (<http://www.fema.gov/>) issues a major disaster declaration in Community Health Plan of Washington’s service area, or if the President declares a national emergency, or if the Secretary of Health and Human Services declares a public health emergency). Community Health Plan of Washington (CHPW) will ensure appropriate and adequate provision of benefits for our Medicare and/or our State beneficiaries during declared emergencies or disasters.

In any declared emergency or disaster in Washington state, if CHPW is concerned about disruption of provision of needed benefits, CHPW may, without waiting for explicit Centers for Medicare and Medicaid Services (CMS); Health Care Authority (HCA) guidance; and/or Cascade Select, voluntarily implement all, or portions, of the guidance presented below.

The voluntary actions that CHPW may choose in order to facilitate the provision of benefits are as follows:

For Medicare Beneficiaries:

- CHPW may, at its discretion, allow Part A/B and supplemental plan benefits to be furnished at specified non-contracted facilities.

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NOTE: Part A/B benefits must, per 42 CFR § 422.204(b)(3), be furnished at certified facilities;

- CHPW may, at its discretion, waive in full, or in part, requirements for authorization or pre- notification; and
- CHPW may, at its discretion, temporarily reduce plan-approved cost-sharing amounts. Furthermore, although CHPW is required to notify members 30 days in advance of plan changes, this 30-day notification requirement can be waived by CMS during a declared emergency, provided all the changes (such as reduction of cost-sharing and waiving authorization) benefit the member.

Additional information:

- CHPW will resume normal operations once the emergency or disaster is over. Typically, the source that declared the disaster would clarify when the disaster ends. However, in the case of disasters declared by FEMA, if the disaster period has not closed 30 days from the initial declaration, and if CMS has not indicated an end date to the disaster, CHPW will resume normal operations 30 days from the initial declaration.
- CMS still reserves the right to assess each disaster or emergency on a case-by-case basis and issue further guidance supplementing or modifying the above guidance.
- In response to certain disasters or emergencies, the Secretary of Health and Human Services may exercise his waiver authority under Section 1135 of the Social Security Act. Under the Section 1135 waiver authority (when invoked), CMS may *require* CHPW to allow enrollees affected by the emergency or disaster to receive care from non-network providers at in-network cost-sharing.
- During emergencies or disasters in which the Secretary has invoked his authority under Section 1135, information about the waivers is posted on the Department of Health and Human Services (DHHS) website (<http://www.dhhs.gov/>). The CMS website (<http://www.cms.hhs.gov/>) will also provide detailed guidance for CHPW in the event of a disaster or emergency in which the Secretary's 1135 waiver authority is being exercised. During these disasters and emergencies, CHPW will check these websites frequently.

For WA Apple Health Integrated Managed Care (IMC), WA Apple Health Expansion, Behavioral Health Services Only, and Cascade Select Beneficiaries:

- CHPW may, at its discretion, allow plan benefits to be furnished at specified non-contracted facilities.
- CHPW may, at its discretion, waive in full, or in part, requirements for authorization or pre- notification; and

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- CHPW may, at its discretion, temporarily reduce plan-approved cost-sharing amounts.

Additional information:

- CHPW will resume normal operations once the emergency or disaster is over. Typically, the source that declared the disaster would clarify when the disaster ends.
- Washington State HCA still reserves the right to assess each disaster or emergency on a case-by-case basis and issue further guidance supplementing or modifying the above guidance.

Process to implement waiver, reduction, or temporary suspension of Authorization or Pre-certification:

- 1) In response to federal or state natural disasters or a public health emergency, the Senior Medical Director of Behavioral Health, Senior Medical Director, and Senior Director of Utilization Management will review and propose changes for the feasibility of implementation and impact on members and providers in addressing concerns brought up by the event.
- 2) All proposed reductions and changes to normal operations will be vetted through Claims Operations to ensure proposed changes can be operationalized in a way that will ensure fidelity of provider payment.
- 3) Once UM leadership and Claims have confirmed the feasibility of implementation, the proposed changes are forwarded to the Chief Health Officer/Chief Medical Officer for approval.
- 4) The Chief Health Officer/Chief Medical Officer will obtain Executive Leadership Council (ELT) approval for implementation.
- 5) Provider and member notification will be based on the scope of the change and impacted parties. Communication can include outreach to individual providers or members, outreach to impacted Community Health Centers, and/or outreach to the CHPW provider community through provider newsletter alert.

CHPW will notify parties identified for initial outreach, prior to the resumption of normal operations.

List of Appendices

- A. Detailed Revision History

Citations & References

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| CFR | |
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| WAC | | |
| RCW | | |
| LOB & Contract Citation | <input checked="" type="checkbox"/> WAHIMC | P&P supports all LOB requirements |
| | <input checked="" type="checkbox"/> BHSO | P&P supports all LOB requirements |
| | <input type="checkbox"/> Wraparound | |
| | <input type="checkbox"/> SMAC | |
| | <input type="checkbox"/> HH | |
| | <input type="checkbox"/> AHE | |
| | <input type="checkbox"/> MA/DSNP | |
| <input type="checkbox"/> CS | | |
| Other Requirements | | |
| NCQA Elements | | |
| References | | |

Revision History

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| SME Review: | 07/26/2012; 06/09/2013; 08/06/2014; 07/31/2015; 08/18/2016; 08/15/2017; 06/21/2018; 06/19/2019; 05/28/2020; 11/17/2020; 09/08/2021; 02/10/2022; 12/14/2022; 10/18/2023; 07/30/2024 |
| Approval: | 12/14/2011; 08/08/2012; 06/28/2013; 08/13/2014; 08/04/2015; 08/23/2016; 08/18/2017; 06/25/2018; 06/21/2019; 06/25/2020; 09/28/2021; 02/11/2022; 12/28/2022; 10/19/2023; 08/12/2024 |

Appendix A: Detailed Revision History

| Revision Date | Revision Description | Revision Made By |
|---------------|---|---------------------------------|
| 11/29/2011 | Original | Joe Osborne |
| 12/14/2011 | Approval | MMLT |
| 07/26/2012 | Name change to specify Medicare; minor grammatical changes | Lucy Sutphen, MD, FACP |
| 08/08/2012 | Approval | MMLT |
| 06/09/2013 | Reviewed and policy – no changes | Jane Daughenbaugh |
| 06/28/2013 | Approval | MMLT |
| 08/06/2014 | Modified Contract Citation section layout | Andrew Boe |
| 08/13/2014 | Approval | MMLT |
| 07/31/2015 | Updated to integrate UM232 State Benefits during a State disaster. (UM232 will be retired) | Kelly Force |
| 08/04/2015 | Approval | MMLT |
| 08/18/2016 | Reviewed - Minor changes | Cyndi Stilson, RN |
| 08/18/2016 | Reviewed – No changes | Jane Daughenbaugh, RN |
| 08/23/2016 | Approved | MMLT |
| 08/15/2017 | Reviewed - Minor changes | Cyndi Stilson, RN |
| 08/18/2017 | Approved MMLT | MMLT |
| 06/21/2018 | Minor editing | Drew Breuckman |
| 06/25/2018 | Approved | Patty Jones, RN, MBA |
| 06/19/2019 | Reviewed, with minor edits | Yves Houghton, RN, BSN |
| 06/21/2019 | Approval | MMLT |
| 05/28/2020 | Changed ‘enrollee’ to ‘member’; removed contract citation reference to WAH-IMC; updated Apple Health to IMC | Yves Houghton, RN, BSN |
| 06/20/2020 | Approval | Ma’ata Hardman, RN, MBA, CCM |
| 06/25/2020 | Approval | CMO Cabinet |
| 11/17/2020 | Updated LOB and C&R; minor edits | Yves Houghton, RN, BSN |
| 11/20/2020 | Approval | CMO Cabinet |
| 09/08/2021 | Reviewed, with minor edits | Yves Houghton, RN, BSN |
| 09/24/2021 | Approval | Ma’ata Hardman |
| 09/28/2021 | Approval | CMO Cabinet |

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| 02/10/2022 | Update to include process for approving and communicating temporary authorization changes | Justin Fowler, RN MSN |
| 02/11/2022 | Approval | CMO Cabinet |
| 12/14/2022 | Reviewed, no changes | Yves Houghton, RN BSN |
| 12/22/2022 | Approval | Ma'ata Hardman |
| 12/28/2022 | Approval | CMO Cabinet |
| 10/18/2023 | Updated CMO title to Chief Health Officer/Chief Medical Officer. Reviewed, with minor edits, no content changes. | Yves Houghton, RN BSN |
| 10/18/2023 | Approval | Ma'ata Hardman |
| 10/19/2023 | Approval | Clinical Services Leadership Team |
| 07/30/2024 | Added WA Apple Health Expansion | Yves Houghton, RN BSN |
| 08/04/2024 | Approval | Ma'ata Hardman |
| 08/12/2024 | Approval | Clinical Services Leadership Team |