



## CMS.GOV NEWSROOM

### CMS NEWS

FOR IMMEDIATE RELEASE

February 22, 2021

Contact: CMS Media Relations

[CMS Media Inquiries](#)

#### **CMS Offers Comprehensive Support to the State of Texas to Combat Winter Storm**

The Centers for Medicare & Medicaid Services (CMS) announced today that efforts are underway to support Texas in response to severe winter storms that have affected the state over the past several days. On February 17, 2021, Health and Human Services Acting Secretary Norris Cochran declared a public health emergency (PHE) for Texas retroactive to February 11, 2021. CMS is working to ensure hospitals and other facilities can continue operations and provide access to care despite the effects of the storm.

Below are key administrative actions CMS is taking in response to the PHE declared in Texas:

**Waivers and Flexibilities for Hospitals and other Healthcare Facilities: CMS has already waived many Medicare, Medicaid and CHIP requirements for facilities because of the pandemic.**

The CMS Dallas Survey & Enforcement Division, under the Survey Operations Group, will consider other provider-specific requests for healthcare facilities in Texas. These waivers work to provide continued access to care for beneficiaries. CMS announced last month a new web-based tool that streamlines access for providers in documenting and submitting waiver requests and PHE-related inquiries. Access to that web-based tool can be found at

[https://cmsqualitysupport.servicenowservices.com/cms\\_1135](https://cmsqualitysupport.servicenowservices.com/cms_1135)

**Dialysis Care:** CMS is helping patients obtain access to critical life-saving services. The Kidney Community Emergency Response (KCER) program has been activated and is working with the End Stage Renal Disease (ESRD) Network: Network 14 – Texas to assess the status of dialysis facilities in potentially impacted areas. The program will assess issues such as generators, alternate water supplies, education and materials for patients, and more. Patients are educated to have an emergency supply kit on hand including important personal, medical, and insurance information; contact information for their facility, the ESRD NW hotline number, and contact information of those with whom they may stay or for out-of-state contacts in a waterproof bag. They have also been instructed to have on hand supplies to follow a three-day emergency diet. The ESRD NW 14 (TX) toll free hotline is 877-886-4435, and the KCER hotline is 866-901-3773. Additional information about the ESRD Network 14 Texas Emergency can be found here:

<https://app.smartsheet.com/b/publish?EQBCT=eca242fb15b94692b0cf29f55e67130a>

**Ensuring Access to Care in Medicare Advantage and Part D:** During a PHE, Medicare Advantage Organizations must take steps to maintain access to covered benefits for beneficiaries in affected areas. These steps include allowing Parts A and B and supplemental Part C plan benefits to be furnished at specified non-contracted facilities and waiving, in full, requirements for gatekeeper referrals where applicable. Part D plan sponsors are allowed to take certain actions to ensure pharmacy access during a disaster or state of emergency.

**Special Enrollment Opportunities:** CMS encourages people who are seeking health insurance coverage to take advantage of the Federal Health Insurance Exchange special enrollment period currently available now through May 15 on HealthCare.gov. See the following link for more

information: <https://www.cms.gov/newsroom/fact-sheets/2021-special-enrollment-period-response-covid-19-emergency>.

Additionally, individuals who were eligible for another special enrollment period during the Federal Emergency Management Agency (FEMA)-declared emergency period may also qualify for another SEP to gain coverage based on when their coverage could have started if they had been able to enroll sooner.

- For more information, please visit:  
<https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/8-9-natural-disaster-SEP.pdf>
- <https://www.fema.gov/disasters>

Medicare regulations provide a special enrollment period for certain Medicare beneficiaries who reside in the area where an emergency/disaster declaration has been made (or rely on help making health care decisions from someone who lives in the affected area). Medicare beneficiaries who were eligible for another enrollment period, but did not make an election as a result of the emergency, will be able to make the missed enrollment election during the declared emergency/disaster or up to two months after the end of the emergency/disaster.

**Medical equipment and supplies replacements:** Under the COVID-19 waivers, CMS suspended certain requirements necessary for Medicare beneficiaries who have lost or had damage to their durable medical equipment, prosthetics, orthotics and supplies because of the PHE. This will help to make sure that beneficiaries can continue to access the medical equipment and supplies they rely on each day. Medicare beneficiaries can contact 1-800-MEDICARE (1-800-633-4227) for assistance.

**Current COVID-19 Waivers:** CMS has compiled a list of current [Waivers](#) already available for health care providers to use during the COVID-19 PHE. These waivers remain available to providers in the State of Texas who have been affected by the consequences of the winter storm. The New 1135 Emergency Waiver and Public Health Emergency (PHE)-related Inquiries Web Tool launched on the CMS Waiver

and Flexibilities webpage: <https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-waivers>

**Disaster Preparedness Toolkit for State Medicaid and CHIP Agencies:** CMS developed an inventory of Medicaid and CHIP flexibilities and authorities available to states in the event of a disaster. CMS will provide technical assistance to the state upon request in accessing any needed flexibilities. The Toolkit also includes resources for Medicaid beneficiaries to assist them connect to helpful resources during the emergency. For more information and to access the toolkit please visit: <https://www.medicaid.gov/state-resource-center/disaster-response-toolkit/index.html>. CMS is working closely with the Texas state Medicaid agency to ensure the Medicaid and CHIP beneficiaries have access to care and their needs are being met during these winter storms.

### **Nursing home reporting to the National Healthcare Safety Network**

**(NHSN):** CMS expects that nursing home providers will continue to accurately report COVID-19 cases to the NHSN. However, in light of the public health emergency in Texas, CMS will not impose civil money penalties for non-reporting through March 4, 2021, as residents continue to be displaced amid power and water concerns. Any facility that requires extended repairs or arrangements should contact its State Survey Agency to ensure proper coordination with CMS.

**3-Day Prior Hospitalization:** Using the authority under Section 1812(f) of the Act, CMS is issuing a separate waiver of the statutory requirement for a 3-day prior inpatient hospitalization for coverage of a Skilled Nursing Facilities (SNF) Part A stay, which provides temporary emergency coverage of SNF services without a qualifying inpatient hospital stay, for those people who experience dislocations, or are otherwise affected by the public health emergency.

**Emergency Preparedness Requirements:** Providers and suppliers are expected to have emergency preparedness programs based on an all-hazards approach. CMS has prepared webinars on emergency preparedness requirements, including topics such as emergency power supply; 1135 waiver process; Best Practices & Lessons Learned from past disasters; Helpful Resources; and more. The webinars are available at <https://qsep.cms.gov/welcome.aspx>.

CMS also compiled a list of Frequently Asked Questions (FAQs) and useful national emergency preparedness resources to assist State Survey Agencies (SAs), their

State, Tribal, Regional, local emergency management partners, and health care providers develop effective and robust emergency plans and tool kits to assure compliance with the EP rules.

The tools can be located at:

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Emergency-Prep-Rule.html>

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Templates-Checklists.html>

Additional information on the emergency preparedness requirements can be found here: [https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap\\_z\\_emergprep.pdf](https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_z_emergprep.pdf)

CMS will continue to work with all geographic areas impacted by the winter storm. We encourage beneficiaries and providers of healthcare services that have been impacted to seek help by visiting CMS' emergency webpage ([www.cms.gov/emergency](http://www.cms.gov/emergency)).

###

Get CMS news at [cms.gov/newsroom](http://cms.gov/newsroom), sign up for CMS news [via email](#) and follow CMS on [@CMSgov](#)

Press Office

Centers for Medicare & Medicaid Services