Health Law Daily Wrap Up, HEALTH CARE REIMBURSEMENT NEWS—Home health, non-emergency ambulance moratoria expanded to cover entire states, (Aug. 1, 2016)

Health Law Daily Wrap Up

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CMS has extended and expanded the temporary provider moratoria on new Part B non-emergency ground ambulance suppliers in three states and on new home health agencies (HHAs) in four states. These providers present heightened risk of fraud and abuse in these regions. Individual waivers are available if a provider can show that there is access to care issues in their areas, and new emergency ambulance suppliers can now freely enroll.

Lifting moratoria on emergency suppliers. In an advance release scheduled to publish in the Federal Register on August 3, 2016, CMS announced that while the moratoria for non-emergency ground ambulance suppliers is extended, the agency was lifting the moratoria on emergency ground ambulance suppliers in all locations. The moratoria was in effect in several counties in Texas, Pennsylvania, and New Jersey. Suppliers who were previously unable to enroll will be placed under a high screening level status for six months.

Extensions. CMS’ moratoria power was created by section 6401(a) of the Patient Protection and Affordable Care Act (ACA) (P.L. 111-148). The HHA moratorium was previously imposed on many counties located in Florida, Illinois, Michigan, and Texas. The ban on new enrollment of non-emergency ground ambulance suppliers was in effect in counties in Texas, Pennsylvania, and New Jersey. CMS has decided to expand the bans statewide to cover the remaining counties. The extension and expansion came after CMS consulted with the HHS Office of Inspector General (OIG) and both agreed that new HHAs and ground suppliers present the potential for fraud, waste, and abuse in these geographic regions. The agencies believe that there are no current access issues for Medicare beneficiaries, and that extending the moratoria will not create access issues for Medicaid or Children’s Health Insurance Plan (CHIP) enrollees.

Waivers. CMS has created a waiver demonstration in order to allow some HHAs and non-emergency ground ambulance suppliers to enroll despite the moratoria. To qualify, a provider must show that there is an access to care issue in their area. Heightened screening measures will be applied, and the service area will be restricted only to the area with access to care issues. Restrictions will be based on the saturation of providers or suppliers in that area. Claims submitted for services furnished outside of the service area will be denied, and beneficiaries are not to be charged for these services.