



Date: January 12, 2021

DQA Memo 21-01

To: All Wisconsin Acute Care Hospitals

From: Ann Hansen, Director
Bureau of Health Services

Via: Otis Woods, Administrator
Division of Quality Assurance

CMS 1135 Waiver Provisions – Acute Hospital Care at Home Program

Purpose

The purpose of this memorandum is to provide guidance to Wisconsin hospitals regarding the Centers for Medicare & Medicaid Services (CMS) waivers issued of Medicare regulations under Section 1135 of the Social Security Act for the Acute Hospital Care at Home Program. CMS is issuing these waivers on a case-by-case basis to last the duration of the Public Health Emergency (PHE).

On November 25, 2020, CMS announced the development of the [Acute Hospital Care at Home Program](#) to increase the capacity of the U.S. health care system to provide care to patients outside a traditional hospital setting amid the rising number of COVID-19 hospitalizations across the country. CMS is now accepting [waiver requests](#) to waive §482.23(b) and (b)(1) of the Hospital Conditions of Participation, which require nursing services to be provided on the premises 24 hours a day, 7 days a week and the immediate availability of a registered nurse for care of any patient, to implement the Acute Hospital Care At Home program.

[Wis. Stat. § 50](#) and [Wis. Admin. Code § DHS 124](#) regulate Wisconsin hospitals. In 2016, Wisconsin adopted the Medicare Conditions of Participation as the minimum standards that apply to hospitals.

If you wish to participate in the Acute Hospital Care at Home Program, please complete the attached *Acute Hospital Care at Home Program - Emergency Request for Approval* form and submit to the Division of Quality Assurance/Bureau of Health Services. Hospitals should submit the completed form and requested materials to Thomas Rylander at Thomas.Rylander@wi.gov and Angela Mack at Angela.Mack@wi.gov.

Only hospitals that have received approval from CMS for the Acute Hospital Care at Home Program are eligible for approval from the Department of Health Services pursuant to the authority granted to the Department in Wis. Stat. § 252.02 (2) to provide medical aid in an emergency to those with communicable diseases.

Any approval excludes patients who are under 18 years, are pregnant, or who live more than 30 minutes away from an acute care facility. Approval is for the duration of the declared federal Public Health Emergency and any extensions thereof, but may be rescinded earlier as determined by the Secretary's sole discretion.

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Resources

CMS Announces Comprehensive Strategy to Enhance Hospital Capacity Amid COVID-19 Surge:

<https://www.cms.gov/newsroom/press-releases/cms-announces-comprehensive-strategy-enhance-hospital-capacity-amid-covid-19-surge>

Acute Hospital Care at Home Individual Waiver Only (not a blanket waiver):

<https://qualitynet.cms.gov/acute-hospital-care-at-home>

Acute Hospital Care At Home Program - Frequently Asked Questions:

<https://www.cms.gov/files/document/covid-acute-hospital-care-home-faqs.pdf>

Wisconsin Hospital Regulations:

<https://www.dhs.wisconsin.gov/regulations/hospital/regulations.htm>

CMS Blanket Waivers:

<https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf>

CMS Hospital Waivers:

<https://www.cms.gov/files/document/covid-hospitals.pdf>

DQA Memo 20-001 State Licensure Application for Temporary Expansion Locations during Public Health Emergency related to COVID-19:

<https://www.dhs.wisconsin.gov/dqa/memos/20-001.pdf>

Wisconsin Hospital Licensure and Certification:

<https://www.dhs.wisconsin.gov/regulations/hospital/medicare-cert.htm>

Wisconsin DHS COVID-19 Webpage:

<https://www.dhs.wisconsin.gov/covid-19/index.htm>

Questions

For general questions regarding the information in this memo, please contact Ann Hansen at 608.264.9887 or

Ann.Hansen@wi.gov

For question related to Physical Environment or Life Safety Code, please contact David Soens at 608.220.0521 or

David.Soens@wi.gov

Attachment

[ACUTE HOSPITAL CARE AT HOME PROGRAM: EMERGENCY REQUEST FOR APPROVAL](#) (F-02763)