

# Extend Regulatory Flexibilities to Ensure Access to Quality Care

A number of regulatory waivers went into effect during the COVID-19 Public Health Emergency (PHE) to ensure continued access to quality care. Some of these waivers have proven effective in both practice and policy and should be extended.

## Authorize NPPs to order and oversee home health; Extend signature requirement to 30 days.

- Non-physician practitioners (NPPs), such as certified registered nurse practitioners (CRNPs) and Physician Assistants (PAs), are permanently authorized to order home health care under the federal CARES Act and regulation. In Pennsylvania, NPPs have been temporarily authorized to order home health during the PHE.
- Medicare rules give agencies 30 days to obtain a signed order for home health, while Pennsylvania's regulations have retained an outdated, often unattainable 7-day rule for physician signatures. Obtaining this signature is often out of the home health agency's control, and the extension to 30 days would have no negative impact on patient care.
- NPPs in PA must remain able to order home health to ensure access to care and remain consistent with federal rules, and PA rules must provide a minimum of 30 days to obtain a signed order for home health.

## Continue to allow home health providers to utilize telephonic supervisory visits.

- PA home health regulations require RN (or other appropriate staff member) supervisory visits once every two weeks, "either when the [home health] aide is present to observe and assist, or when the aide is absent, to assess relationships and determine whether goals are being met."
- Allowing these visits to continue virtually would not impact patient care, would satisfy the goals of the regulations, and would permit licensed home health agencies to meet their patients' needs efficiently, while better utilizing licensed professionals.
- During the COVID public health emergency, these supervisory visits have been permitted by phone or virtually, and this flexibility should continue.

## Ensure measures are in place to avoid a "regulatory cliff" with respect to COVID-19 flexibilities.

- The General Assembly must ensure that there is no "regulatory cliff" with respect to COVID-19 flexibilities; any waiver terminations must be done with sufficient notice to both providers and individuals receiving care.

The Pennsylvania General Assembly should effect these changes by legislation and direct the Pennsylvania Department of Health to update the regulations within 60 days to be consistent with the law, or deem inconsistent regulations unenforceable.