



Charles N. Kahn III
President & CEO

March 17, 2020

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Dear Administrator Verma:

The Federation of American Hospitals (FAH) is the national representative for over 1,000 leading tax-paying hospitals and health systems throughout the United States. FAH members provide patients and communities with access to high-quality, affordable care in both urban and rural America. Our members include teaching and non-teaching, acute, inpatient rehabilitation, behavioral health, and long-term care hospitals and provide a wide range of inpatient, ambulatory, post-acute, emergency, children's, and cancer services.

The FAH commends the Centers for Medicare & Medicaid Services (CMS) for its expeditious efforts thus far to issue Section 1135 waivers, implement regulatory flexibilities, and suspend key enforcement activities to help hospitals and health systems respond to and contain the spread of the 2019 novel coronavirus (COVID-19). These efforts are critical as hospitals actively treat COVID-19 patients and prepare to care for the surge of patients in the coming weeks and months.

The mitigation of COVID-19 demands quick and coordinated federal, state, and local action to support hospitals and other health care providers, along with the patients they serve. As hospitals activate emergency plans and continue preparing for the expected COVID-19 surge, **we urge consideration of several additional waivers and other proposals for regulatory flexibility to help ensure hospitals are fully prepared and equipped to respond.**

Enabling these flexibilities will ensure that hospitals are able to meet the needs of their communities and provide care that patients need by quickly adapting to the changing circumstances, including expanding capacity to house and treat COVID-19 and all other patients while ensuring the safety and wellbeing of our health care work force.

In addition to the adoption of 1135 waivers and removal of other regulatory red tape, as detailed in the attached document, we urge your immediate consideration of other vital issues that will help ensure hospitals are fully supported and equipped to respond to the COVID-19 pandemic:

- Ensure federal and state coordination where appropriate and consistency of requirements across state and local government, with federal pre-emption in the event that a state is not taking, or is unable to take, action on a timely basis (in particular as it relates to accessing state and national stockpiles);
- Issue immediately a physician self-referral law (Stark law) blanket waiver, as case-by-case waivers will require too much time and put patients at risk;
- Delay non-essential regulatory proposals and comment deadlines to enable hospitals and health care providers to focus on COVID-19 preparations and treatment; and
- Lend CMS support for legislative action when needed.

We appreciate all that you and your staff are doing in these unprecedented times to support patients, hospitals, and the entire health care delivery system as we face this emergency together. We look forward to continued engagement with you and the White House Coronavirus Task Force as we partner in the effort to mitigate COVID-19 in the United States. If you have any questions or follow up, please do not hesitate to reach out to me directly at 202-624-1534.

Sincerely,

A handwritten signature in black ink, appearing to be 'V. H. J.', written over a horizontal line.