



Insert Facility Identifier

POLICY TITLE: Declared Waiver of Section 1135 of the Social Security Act in Emergency Situations	ADMINISTRATIVE POLICY AND PROCEDURE MANUAL
POLICY #: 350.24	CATEGORY: Safety and Security
System Approval Date: 11/26/18	Effective Date: 09/2017
Site Implementation Date: 12/26/18	Last Reviewed/Approved: 11/2017
Prepared by: System Emergency Management	Notations: N/A

GENERAL STATEMENT of PURPOSE

The purpose of this policy is to ensure the provision of care and treatment of patients is maintained during a waiver of Section 1135 of the Social Security Act.

POLICY

In the event a waiver of Section 1135 of the Social Security Act is granted, all sites should have plans in place to address the triage, medical screening, and stabilization of all patients in an identified alternate care site. This policy must be reviewed on an annual basis.

SCOPE

This policy applies to all Northwell Health employees, as well as medical staff, volunteers, students, trainees, physician office staff, contractors, trustees and other persons performing work for or at Northwell Health; faculty and students of the Donald and Barbara Zucker School of Medicine at Hofstra/Northwell conducting research on behalf of the Zucker School of Medicine on or at any Northwell Health facility; and the faculty and students of the Hofstra Northwell School of Graduate Nursing and Physician Assistant Studies.

DEFINITIONS

Emergency Situation – a sudden, unexpected or impending situation that may cause injury, loss of life, damage to the property, and/or interference with normal business operations, therefore requiring immediate attention and/or remedial action.

PROCEDURE

During an emergency situation, the Secretary of the Department of Health & Human Services may temporarily modify or waive certain Medicare, Medicaid and Children's Health Insurance Program requirements to ensure that sufficient health care items and services are available.

Examples of these 1135 waivers or modifications include:

- Conditions of participation or other certain requirements
- Program participation and similar requirements
- Preapproval requirements
- Requirements that physicians and other health care professionals be licensed in the State in which they are providing services, so long as they have equivalent licensing in another State.
- Emergency Medical Treatment and Labor Act
- Stark self-referral sanctions
- Adjustment of performance deadlines and timetables
- Limitations on payment for health care items and services furnished to Medicare Advantage enrollees by non-network providers

All Northwell Health sites must have in place, as part of their Emergency Operations Plan, plans that address continuity of operations in the event of a declared waiver of Section 1135 of the Social Security Act. The plan must address the provision of care and treatment at identified alternate care sites. This includes, but is not limited to, initial triage and medical screening, stabilization and provision of care, use of disaster volunteers and disaster privileging. These plans must be reviewed annually.

REFERENCES to REGULATIONS and/or OTHER RELATED POLICIES

CMS Conditions of Participation - Emergency Preparedness

The Joint Commission Emergency Management Standards

Social Security Act Sec. 1135

[Northwell Health Policy #100.002 – Disaster Privileging](#)

[Northwell Health Policy #100.003 – Disaster Volunteers](#)

CLINICAL REFERENCES/PROFESSIONAL SOCIETY GUIDELINES

N/A

ATTACHMENTS

N/A

FORMS

N/A

APPROVAL:	
Northwell Health Policy Committee	10/25/18
System PICG/Clinical Operations Committee	11/26/18

Standardized Versioning History:

*=Northwell Health Policy Committee Approval; ** =PICG/Clinical Operations Committee Approval

*09/28/17 Provisional Approval

*10/26/17 Provisional Final **11/17/17

*09/20/18 Provisional Approval