

GAHU 2021 MEDICARE SUMMIT:

Are We Out of the Woods Yet?

Legal Updates Associated with Medicare in
Light of COVID-19's Ever Changing Effects
on Payment



INTRODUCTION

WHO ARE WE

Brittany H. Cone, CHC

Hall Booth Smith, P.C.

191 Peachtree Street, Suite 2900

Atlanta, GA 30303

Main: 404-954-5000

Fax: 678-539-1516

Direct Dial: 404-586-6620

bcone@hallboothsmith.com

Jordan S. Johnson

Hall Booth Smith, P.C.

191 Peachtree Street, Suite 2900

Atlanta, GA 30303

Main: 404-954-5000

Fax: 404-954-5020

Direct Dial: 404-586-6639

jjohnson@hallboothsmith.com

OBJECTIVES

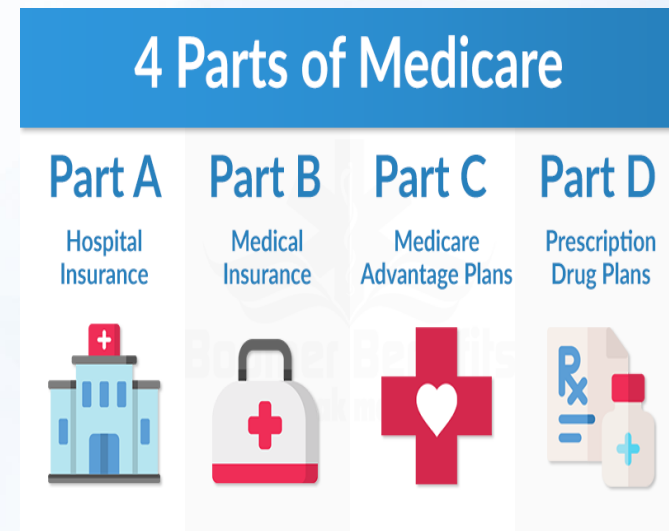
- This session will help you understand:
 - Medicare generally
 - The current status of health care staffing
 - The impact of vaccine mandates on healthcare operations
 - Implications on Medicare funding in light of COVID-19
 - The current status of Medicare waivers, including telehealth.

CURRENT LEGAL ISSUES RELATED TO MEDICARE GENERALLY



WHAT IS MEDICARE

- Health Insurance for three groups of people:
 - 65 and older
 - Under 65 with certain disabilities
 - Any age with End-Stage Renal Disease
- Four Parts
 - Part A – Hospital Insurance
 - Part B – Medical Insurance
 - Part C – Medicare Advantage
 - Part D – Prescription Drug Coverage




MEDICARE COVERAGE CHOICES

- Original Medicare
- Medicare Advantage Plans
 - HMO
 - PPO
 - PFFS
 - HMOPOS
 - MSA
- Medicare Prescription Drug Coverage

MEDICARE GUIDANCE

[Home](#) | [About CMS](#) | [Newsroom](#) | [Archive](#) | [Help](#) [Print](#)



Centers for Medicare & Medicaid Services

[Medicare](#)

[Medicaid/CHIP](#)

[Medicare-Medicaid Coordination](#)

[Private Insurance](#)

[Innovation Center](#)

[Regulations & Guidance](#)

[Research, Statistics, Data & Systems](#)

[Outreach & Education](#)

[Home](#) > [Regulations & Guidance](#) > [Manuals](#) > [Internet-Only Manuals \(IOMs\)](#)

Manuals <

[Future Updates to the IOM](#)

[Internet-Only Manuals \(IOMs\)](#)

[Paper-Based Manuals](#)

Internet-Only Manuals (IOMs)

The Internet-only Manuals (IOMs) are a replica of the Agency's official record copy. They are CMS' program issuances, day-to-day operating instructions, policies, and procedures that are based on statutes, regulations, guidelines, models, and directives. The CMS program components, providers, contractors, Medicare Advantage organizations and state survey agencies use the IOMs to administer CMS programs. They are also a good source of Medicare and Medicaid information for the general public.

Show entries:

Filter On

Showing 1-10 of 26 entries

Publication #	Title
100	Introduction
100-01	Medicare General Information, Eligibility and Entitlement Manual
100-02	Medicare Benefit Policy Manual
100-03	Medicare National Coverage Determinations (NCD) Manual
100-04	Medicare Claims Processing Manual
100-05	Medicare Secondary Payer Manual
100-06	Medicare Financial Management Manual
100-07	State Operations Manual
100-08	Medicare Program Integrity Manual
100-09	Medicare Contractor Beneficiary and Provider Communications Manual

>
 >>

HEALTH CARE STAFFING

- Overall shortage, particularly in long-term care and rural areas
- Shortage includes both clinical and non-clinical staff
- Issues
 - Pay
 - Fatigue
- Vaccination Status: In August, Georgia nursing home staff were just over 50% vaccinated.

NURSING HOME VACCINE MANDATE

- On August 18, 2021, President Biden announced a new Centers for Medicare & Medicaid Services issued an Executive Order requiring vaccination for ALL nursing home staff
 - No Negative Test Option
- Industry Reaction
 - American Health Care Association (AHCA)
 - Georgia Health Care Association (GHCA)
- Applicability/crossover into other healthcare settings

OSHA VACCINE MANDATE

- Announced Emergency Order related to purported risk to employees
- Applies to all companies with over 100 employees
- Impact on health care providers
 - Hospitals
 - Assisted Living Communities/Personal Care Homes
 - Nursing Homes

OVERALL IMPACT ON STAFFING ISSUES

- Increased liability due to possible care issues
- Lower patient satisfaction
 - Increase in complaints and resulting complaint surveys
- Diverting corporate/staff attention
 - Issues with non-direct care staff and departments
 - Billing office
 - Billing delays
 - Incomplete Billing

QUESTIONS?



COVID-19 RELATED LEGAL TRENDS

Department of Health and Human Services PHE

- Extended until October 18, 2021
 - 90 days from last renewal on July 20, 2021
- Coverage Waivers remain in place, including expanded telehealth coverage

COVID-19 TELEHEALTH TRENDS

- Dramatic increase in usage among Medicare beneficiaries
- 20% increase in # of Providers offering telehealth
- 56% of Medicare beneficiaries who had telehealth visit report using telephone only
 - As opposed to video.
- 25%+ of Medicare beneficiaries had telehealth visit.



TELEHEALTH GOING FORWARD

- No looking back, but...
 - Perceived Benefits
 - Cost and Access
 - Legislative Action Needed
- Significant Concerns
 - Outcomes/Quality of Care
 - Complex cases
 - Testing/Labs
 - Integrity – Fraud and Abuse
 - Documentation Requirements
 - Denials/Audits



QUESTIONS?





CONCLUSION

Brittany H. Cone, CHC

Hall Booth Smith, P.C.

191 Peachtree Street, Suite 2900

Atlanta, GA 30303

Main: 404-954-5000

Fax: 678-539-1516

Direct Dial: 404-586-6620

bcone@hallboothsmith.com

Jordan S. Johnson

Hall Booth Smith, P.C.

191 Peachtree Street, Suite 2900

Atlanta, GA 30303

Main: 404-954-5000

Fax: 404-954-5020

Direct Dial: 404-586-6639

jjohnson@hallboothsmith.com