April 3, 2020

**Covid-19 changes to Code-44; Patient Freedom of Choice; Delivery of Notices (IM, MOON, and DND)**

**Utilization Review** – All provisions of 42 CFR 482.30 are waived. You may suspend your UR plan and not hold UR Committee meetings. You do not need to review admissions or continued stays. **Your doctors can change a Medicare inpatient outpatient with an order and not use the Condition Code 44 process.** CMS has not waived 42 CFR 412.3, the two midnight rule, so you still must get patients in the right status. Note though that MA plans and commercial plans are still actively denying admissions and following screening criteria. Also note that the Medicaid regulations at 42 CFR 456.50-150 on “utilization control” mirror much of Medicare’s regulations and are not waived. It is recommend that you submit a conforming waiver request to your state for the Medicaid utilization regulations.

**Discharge Planning** – Offering a full list of participating post-acute providers with information on quality and resource use is waived. Informing the patient of freedom of choice is also waived, although the patient still has the right to freedom of choice. You may provide patients with the choice of post-acute providers that are capable of providing the care they need and are available to provide that care.

**Patient Notices** – The requirement to deliver the notices in person and provide an explanation has been waived. All mandated notices must still be provided but the form can be provided to the patient or representative by any staff member with a phone number to case management for questions. April 1st (was) the deadline to start using the new IM, MOON, and DND. In light of the national emergency, CMS has requested that any facility that is not yet prepared to use the new forms to contact them through their “question” mailbox. More Info »