



**Herb B. Kuhn**  
President and CEO  
P.O. Box 60  
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March 31, 2020

Randall Williams, M.D.  
Director  
Missouri Department of Health and Senior Services  
P.O. Box 570  
Jefferson City, MO 65102-0570

Dear Dr. Williams: *Randall*

As the COVID-19 crisis continues to escalate in Missouri, the Missouri Hospital Association is working with hospitals to help identify and consolidate state waiver requests to decrease burden on the department as well as individual hospitals. Currently, MHA requests the following waivers to alter regulatory standards to ease the burden on hospitals, ensure at-risk patients who need access to care can receive it and communication with valued partners continues.

#### **TRAINING FOR UNLICENSED ASSISTIVE PERSONNEL**

Hospital planning for patient surge with the COVID-19 virus includes hiring nursing aides to help care for patients. Missouri regulation 19 CSR 30-20.125 Unlicensed Assistive Personnel Training Program requires hospitals to complete the training program with a new hire within 90 days of employment and specifies the aide cannot work in direct patient care until the entire 175-hour course is completed. We ask that the 175-hour and 90-day completion requirement be temporarily waived to allow for timely onboarding of staff to care for patients.

#### **PROTECTIONS FOR FIRST RESPONDERS**

First responders are at high risk for contact with the COVID-19 virus due to their interactions with the public at large. HIPAA permits a hospital to notify an individual who has been exposed to a communicable disease, such as a first responder, only if otherwise authorized by law. Missouri regulation 19 CSR 20-20.090(2) authorizes the hospital to make such disclosures only if they are warning that a first responder may be in contact with an individual who has tested positive for COVID-19. We ask that this regulation be suspended so hospitals can warn first responders when they are being dispatched to the home of a Person Under Investigation or suspected of having COVID-19, not just confirmed cases.

#### **TIME CRITICAL DIAGNOSIS**

It is imperative that hospitals have the flexibility to add or open space that would increase their capacity to provide care. We ask that the department continue to accept and process new applications for designation including, but not limited to, trauma, stroke and STEMI, if possible.

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We also request the department extend state designations for trauma, stroke and STEMI facilities with expiration dates that fall between March 1 and June 1 by 90 days. This includes facilities solely designated by the state or through a national designation process to prevent expiration of its designation. We further ask that the department consider on a case-by-case basis the circumstances that may cause a facility to not meet certain time-limited standards or the deadline for applying for continued designation if the facility provides written explanation that includes circumstances, through no fault of the facility, emerging from COVID-19. For example, professional certifications lapse if the national designating body must prolong the time period until resurvey or due to staff constraints or cancellations. The department would affirm this waiver by making applicable updates to the program website and provide written communication of such extension with the extended expiration date to any facility given an extension (190.241, 19 CSR 30-40.420, .430, .440, .720, .730, .750, .760).

### **CONDITIONS OF PARTICIPATION**

The Centers for Medicare & Medicaid Services has granted blanket waivers to some regulatory requirements contained in the Medicare Conditions of Participation (42 CFR. Parts 482 and 485), and we expect there will be additional waivers as this situation evolves. Section 197.005, RSMo. establishes the Medicare CoPs as the state licensure standards for Missouri hospitals. We request the state officially adopt all waivers granted by CMS as applicable to the state licensure standards to ensure hospitals are not held to dual regulatory standards during this emergency period.

If you have any questions, you may contact me at 573-893-3700, ext. 1332 or [hkuhn@mhanet.com](mailto:hkuhn@mhanet.com).

Sincerely,



Herb B. Kuhn  
President and CEO

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