

United States Senate

WASHINGTON, DC 20510

March 19, 2020

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services (HHS)
200 Independence Avenue, SW
Washington, DC 20001

Dear Secretary Azar:

I write to praise your recent work on approving state waivers and to ask you to expand your work to meet the urgent needs and concerns of rural health care providers that are bracing for the unprecedented impact of the 2019 novel coronavirus (COVID-19). Rural Americans, who are disproportionately older, poorer, and sicker with higher frequencies of co-morbidities, are highly vulnerable to COVID-19. The institutions that serve them are already struggling to keep their doors open, threatening to inhibit vital access to care during this pandemic. It is imperative that the federal leadership do all it can to keep rural providers' doors open to ensure that rural Americans have access to the care they need.

Since the first confirmation of COVID-19 in December 2019, this crisis has erupted into a global pandemic with over 200,000 cases across the world. On January 31, President Trump took the early, necessary, and immediate action of prohibiting travel to and from China, and last week he rightfully declared this issue a national emergency, allowing FEMA and other emergency services to expand access to funds, personnel, and supplies to combat the spread of COVID-19, while also allowing the Department of Health and Human Services to waive certain restrictions under federal health programs.

I applaud the work the Department has already done with several states on approval of necessary waivers to amend critical provisions in Medicare, Medicaid, and Children's Health Insurance Program (CHIP) under section 1135 of the Social Security Act. Please continue working with states to apply for these waivers, and to approve them quickly so that rural providers in particular can remain viable and provide appropriate care.

Combating COVID-19 remains Congress's and the administration's number one priority and I am encouraging my colleagues not to leave Capitol Hill without passing a proper plan. I will continue to work to protect rural America, and I ask that you use your broad authority during this national emergency to do so as well. Specifically, I encourage you to help states enact the following policies:

- i. Temporarily eliminate the 25-bed limitation for Critical Access Hospitals;
 - ii. Remove the regulations governing skilled nursing facility admission criteria that require a three-day hospital stay for the duration of the crisis;
- and

- iii. Waive sanctions under the Emergency Medical Treatment Act and Active Labor Act for transfers or redirections of patients away from hospital emergency rooms to alternate care sites.

In addition to exercising this waiver authority, please work with your colleagues at the Centers for Disease Control (CDC) to ensure that diagnostic testing kits are distributed to rural communities in addition to large urban centers. Access to rural health care is vital to millions of Americans, and treatment and testing for this virus should not be limited based on geographic location.

Thank you for continuing to push robust and aggressive measures to slow the spread of this virus, as a swift and effective response to COVID-19 requires proper preparedness in all areas of the United States, both rural and urban. Our hospitals are already strained and we need to remove regulatory hurdles that no longer make sense in combatting the largest public health threat in recent memory.

Sincerely,

A handwritten signature in blue ink that reads "Ben Sasse". The signature is written in a cursive, slightly stylized font.

Ben Sasse
United States Senator