



COVID-19 UPDATE

March 20, 2020

As many of you already know, the situation with COVID-19 is ever-changing and extraordinarily fluid. As your professional organization, the Association of Missouri Nurse Practitioners is actively involved in efforts to remove restrictions that permit you to practice what you are trained and educated to do. In addition to direct requests to the Governor's Office and the Department of Health & Senior Services, we are communicating directly with state agencies including the Missouri State Board of Nursing to determine the impacts to your practice and what we can do to lift the inhibitions on you as a health care provider. As you might imagine, there are a number of questions that we simply do not have answers to yet. While we work to acquire clarification, we wanted to bring the following items to your attention.

REQUESTS FOR SUSPENSION OF RULES

- **Request for Waivers** – The Association of Missouri Nurse Practitioners, Missouri Nurses Association, Missouri Hospital Association, and the National Council For State Boards of Nursing have all requested that Governor Parson suspend the current statutes and regulations regarding collaborative practice arrangements so as to enable NP's to provide much needed health care without restriction.
- **MO State Board of Nursing** - As of yesterday, Executive Order 20-04 issued by Governor Parson invited the Department of Health & Senior Services and the Division of Professional Registration to "temporarily waive or suspend the operation of any statutory requirement or administrative rule under their purview, upon approval of the Office of the Governor, in order to best serve public health and safety during the period of the emergency and subsequent recovery period". As an administrative agency chartered under Professional Registration, the Missouri State Board of Nursing has, to this point, specifically requested that 20 CSR 2200-4.200 dealing with geographic proximity (and other items) be suspended for all APRN's in collaborative practice arrangements. Additionally, they have requested suspension of 20 CSR 2200-4.020(3) limiting the practice of nursing program graduates and 20 CSR 2150-5.100 which defines collaborative practice rules including geographic proximity, methods of treatment, and review of services. It is possible that the BON will ask for additional suspensions in the coming days. As of this writing, these requests are still under consideration and HAVE NOT YET been approved by Governor Parson. If these rules are suspended, it will be important for you to document in your records the period of time and for which patients you operated under the suspension. If a suspension is granted, it will not permit you to operate outside your scope of education, training, and certification.
- **1135 Waivers** - When the President declares a disaster or emergency under the Stafford Act or National Emergencies Act and the HHS Secretary declares a public health emergency under Section 319 of the Public Health Service Act, the Secretary is authorized to take certain actions in addition to her regular authorities. These waivers

under section 1135 of the Social Security Act typically end no later than the termination of the emergency period, or 60 days from the date the waiver or modification is first published unless the Secretary of HHS extends the waiver by notice for additional periods of up to 60 days, up to the end of the emergency period. EXAMPLE: 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 (this waiver is for purposes of Medicare, Medicaid, and CHIP reimbursement only – state law governs whether a non-Federal provider is authorized to provide services in the state without state licensure).

CMS has, in past disasters, implemented specific waivers or modifications under the 1135 authority on a “blanket” basis, when a determination has been made that all similarly situated providers in the emergency area needed such a waiver or modification. While blanket authority for these modifications may be allowed, the provider should still notify the State Survey Agency and CMS Regional Office if operating under these modifications to ensure proper payment. Similarly, most reporting requirements (such as nursing homes providing Minimum Data Set updates on residents) are suspended for all providers in the impacted areas in accordance with the Waiver authority. Once an 1135 Waiver is authorized, health care providers can submit requests to operate under that authority or for other relief that may be possible outside the authority to the CMS Regional Office with a copy to the State Survey Agency. Requests can be made by sending an email to ROCHISC@cms.hhs.gov. Information on your facility and justification for requesting the waiver will be required.

TELEHEALTH

As of this writing, the waiver to have an established patient relationship prior to administering telehealth only applies to physicians. In our request to the governor, we have specifically asked for similar waivers for APRN's in accordance with 335.175. Current telehealth statutes permit APRN's to utilize telehealth outside of geographic proximity requirements when operating in a “rural area of need” (health professional shortage area). AMNP has asked for a suspension on the requirement to have an established patient relationship as well as the provision limiting telehealth usage to rural areas. We will keep you informed if a suspension for telehealth for APRN's is granted.

AVAILABLE PPE

Governor Parson announced that SEMA had acquired PPE for front line health care personnel. They will begin disseminating to first responders and health care institutions immediately from a strategic stockpile that was made available by the federal government. For your own safety and well being, please inquire with your employer as to the availability of PPE. The health and wellness of health care providers is absolutely critical during this time.

LIMITED STATE AGENCY AVAILABILITY

Throughout the duration of the imminent emergency and beyond, state government resources will be severely limited. Similarly, personnel from state government will also be limited. The executive orders issued to date and those under consideration have been extraordinarily taxing on state officials. There has been quick action to extend license expiration and augment the health care workforce. However, if you have to navigate through the state departments at this time, please understand that there may be significant delays. If you encounter delays or aren't able to resolve your issue, please let us know and we will be happy to work with the agencies to assist you.

CONTINUED ADVOCACY

Although the legislature is temporarily adjourned, AMNP continues to advocate on your behalf and on behalf of patients across Missouri. At this time, our focus has shifted from legislative advocacy to working with the executive branch to increase the number of available providers by removing unnecessary restrictions. We are in regular contact with personnel from the governor's office, Missouri State Board of Nursing, Missouri Department of Health, and other executive personnel tasked with responding to the COVID 19 pandemic. Additionally, we have been communicating with legislators who are helping to plead our case that removing restrictions on Missouri's NP's is the right thing to do.

SUSPENSION OF MEETINGS & EVENTS

Until such time as deemed appropriate by relevant officials, AMNP will officially postpone all meetings and events at least through the end of April. We will reassess the state of affairs to determine when it is appropriate to resume normal networking and educational events and ask that you be patient with us during this time. We will be discussing virtual opportunities for interaction with colleagues and learning and will keep you apprised of any developments.

PROVIDE RESOURCES FOR MEMBERS

During this time, AMNP will be collecting online resources to share with you on a regular basis that may provide some guidance to you or your patients. We don't intend to overwhelm your email, but want to be sure we're providing you with up to date information. If you have relevant information that you've found helpful that you'd like to share, please email it to us and we can include it in any aggregate distribution that we send out.

For now, please visit the following sites for a variety of information related to COVID 19:

<https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>

<https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/professionals.php>

<https://www.cms.gov/files/document/covid19-emergency-declaration-health-care-providers-fact-sheet.pdf>

<https://dss.mo.gov/mhd/providers/pages/provtips.htm#200318telehealth>

<https://pr.mo.gov/general-covid-19.asp>

If you have additional questions or we can be of assistance, please contact our office at 573.533.5062 or by email at nursepractitioners@missourinp.org

THANK YOU FOR ALL YOU'RE DOING TO HELP DURING THIS TIME OF NEED.