

Relaxation of Medicaid Rules Not Mentioned in Trump's Emergency Declaration

By Ron Shinkman March 13, 2020

President **Donald Trump** on Friday declared a national state of emergency in order to better respond to COVID-19. However, he did not mention waiving rules that would have allowed states to allow individual residents to enroll in the Medicaid program without being first vetted for eligibility.

Relaxing Medicaid enrollment rules could be a boon for large commercial payers with significant books of business in Medicaid managed care. Various states have been pressuring the Trump administration to do so. However, as *The Wall Street Journal* reported today, it has met with resistance from both the administration and Republican lawmakers in Congress.

"I can see them using this to get more market share," says **Chris Kutner**, a partner with the **Rivkin Radler** law firm in Uniondale, N.Y. and a former chief counsel with **Vytra Health Plans**, part of **EmblemHealth**.

Altogether, Trump said that \$50 billion in federal disaster funds would be made available to respond to the outbreak of the coronavirus and that there would be a relaxation of federal regulations. However, his focus was on hospitals and testing for the coronavirus. He introduced executives from various tech, biotech, laboratory, and large retailing firms after he made some brief remarks about eliminating regulations. Although an executive from **CVS Health** made a brief appearance, no other insurance sector executives were introduced.



Seema Verma, CMS Administrator

Seema Verma, director of the **Centers for Medicare & Medicaid Services**, mentioned during the press conference of tightening rules regarding visiting nursing homes, but she provided no other specifics of what waivers of federal regulations might be introduced.

Trump did say telemedicine rules have been relaxed to allow physicians to remotely treat patients across state lines without having licensure in multiple states. This will likely make it easier for the management of telehealth services by payers in the short-term.

Trump also relaxed a rule that requires hospitals to keep inpatients for two midnights before they can be discharged to a nursing home before Medicare will cover the stay in the latter facility. How this may impact Medicare Advantage

plans remains to be seen.

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