



ELECTRONIC MAIL

February 1, 2021

Senator David Wilson
State Capitol Room 121
Juneau AK, 99801
Senator.David.Wilson@akleg.gov

RE: ASHNHA Strongly Supports SB 56

Dear Senator Wilson,

The Alaska State Hospital & Nursing Home Association strongly supports SB 56, which extends the existing public health disaster emergency declaration issued by the Governor on January 15, 2021 to September 30, 2021.

SB 56 is vital to Alaska's health care system. In recognition of the present outbreak of COVID-19, and the credible threat of a greater, imminent outbreak from variant strains, the public health disaster emergency declaration in SB 56 allows Alaska's health care system to access (1) critical operational flexibilities at the federal level, and (2) key licensing and telehealth flexibilities at the state level.

If SB 56 is not passed, hospitals and nursing homes' compliance with federal requirements will be in question. This will place hospitals, nursing homes, and other health care providers into a position of great uncertainty, and potentially force a drastic curtailment of COVID operations.

Federal Flexibilities

Early in the pandemic, the Centers for Medicare & Medicaid Services (CMS) issued approximately 125 "blanket waivers" for 32 categories of health care services and provider types. Pursuant to section 1135 of the Social Security Act, the federal blanket waivers are automatically in effect for all states, and modify or set aside a variety of federal requirements that "pose issues or challenges for the health care delivery system." See [CMS Letter to Commissioner Crum, April 2, 2020](#). These primarily affect requirements for individual facilities, such as hospitals, long term care facilities, and home health agencies. *Id.*

CMS' blanket waivers include the following language in 20 specific waiver flexibilities: "This waiver [or these flexibilities] may be implemented so long as it is not inconsistent with a state's emergency preparedness or pandemic plan." [CMS Fact Sheet](#).

If the State no longer formally recognizes the existence of a public health disaster emergency in Alaska, then it is reasonable to believe that the CMS blanket waivers are "inconsistent with" the state's emergency preparedness or pandemic plan because, again, there is no longer an active "emergency" for which a plan is required.

If the blanket waivers are no longer available to Alaska health care facilities and providers, effects could include:

1. Closure of alternate care sites for screening and testing because there would be no waiver of provisions of the federal Emergency Medical Treatment & Labor Act (EMTALA) that allows screening of patients at locations offsite from a hospital campus.
2. Severe reduction in surge capacity and quarantine units because there would be no waiver of certain physical environment requirements under Medicare conditions of participation to allow for surge capacity and patient quarantine in facility and non-facility space.
3. Limitations on practitioners and health care workforce because there would be no waiver of requirements under 24 CFR §482 to allow use of practitioners to the fullest extent possible.

Not extending the emergency declaration also sends inconsistent signals to the public that an otherwise active pandemic is over and could compromise future funding opportunities from the federal government.

Finally, it should be noted that having an emergency declaration in place is customary with other states. As of last week, the National Governors Association reports that every state in the union has an active emergency declaration in place.

State Flexibilities

SB 56 also contains key provisions that provide flexibilities for professional and occupational licensing (Section 5), telemedicine and telehealth (Section 6), and fingerprinting (Section 7). If these state flexibilities are no longer available, the ability to increase staff quickly for a surge will be diminished. Additionally, the ability to deliver expanded services in rural Alaska through telehealth, especially for behavioral health, will be reduced with restrictive provider types and services.

Conclusion

SB 56 is critical for Alaska's health care system. ASHNHA strongly supports SB 56 and urges lawmakers to move with haste to pass the bill. After being on the frontlines of the pandemic for a year, the last thing hospitals and nursing homes need is more uncertainty on the ability to deliver health care. Thank you for your attention on this matter, and your partnership in solving this and the many other health care challenges facing Alaskans.

Sincerely,



Jared C. Kosin, J.D., M.B.A.
President & CEO

Cc Governor Dunleavy
Commissioner Adam Crum
Senate Health & Social Services Committee