



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Health

DIVISION OF HEALTH CARE SERVICES
Director's Office

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TERMINATION OF ALASKA HEALTH FACILITY LICENSING COVID-19 WAIVER FLEXIBILITIES

March 13, 2023

Dear Provider,

The purpose of this letter is to notify Alaska-licensed health facilities of the **termination of all remaining COVID-19 public health emergency flexibilities, effective May 11, 2023**. Health facilities impacted by this action include acute care hospitals, ambulatory surgical centers, critical access hospitals, end-stage renal disease facilities, home health agencies, hospice, inpatient psychiatric hospitals, inpatient rehabilitation facilities, long-term acute care hospitals, and skilled nursing facilities.

The attached document identifies all flexibilities that are being terminated and the licensed health facility types that are impacted by each termination.

Background

On April 2, 2020, in response to the increasing number of COVID-19 cases in Alaska, the Centers for Medicare and Medicaid Services (CMS) notified the Department of Health and Social Services, now Department of Health, of the approval of more than 100 section 1135 and blanket waiver flexibilities. The Department of Health subsequently relaxed or suspended multiple Alaska state facility licensing requirements to ensure the availability and sufficiency of health care services in Alaska. On February 11, 2023, the Centers for Medicare and Medicaid Services announced that the COVID-19 public health emergency and all related flexibilities would expire on May 11, 2023.

If you have questions, please contact Health Facilities Licensing and Certification at dhcs.hflc@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Renee Gayhart".

Renee Gayhart
Director

**TERMINATION OF ALASKA HEALTH FACILITY LICENSING-SPECIFIC
COVID-19 WAIVER FLEXIBILITIES
EFFECTIVE MAY 11, 2023**

Acute Care Hospital	Ambulatory Surgery Center	Critical Access Hospital	End-Stage Renal Disease Facility	Home Health Agency	Hospice	Inpatient Psychiatric Facility/Hospital	Inpatient Rehabilitation Facility	Long-Term Acute Care Hospital	Neoplastic Disease Care Hospital	Skilled Nursing Facility	Sole Community Hospital	LICENSING FLEXIBILITY OR REQUIREMENT
X		X				X		X				Waiver of EMTALA requirements
X		X				X		X				Allow verbal orders
X		X				X		X				Waiver of reporting requirements when a death occurs where restraints were utilized or were a contributing factor
X		X				X		X				Extend medical records release deadlines
X		X				X		X				Waiver of patient visitation rights, facility documentation of visitation policy/procedures requirement
X		X				X		X				Waiver of patient rights regarding seclusion requirements
X		X				X		X				Face mask required in compounding area
X		X				X		X				Waiver of discharge planning of information sharing requirements
X		X				X		X				Waiver of discharge planning requirements

Acute Care Hospital	Ambulatory Surgery Center	Critical Access Hospital	End-Stage Renal Disease Facility	Home Health Agency	Hospice	Inpatient Psychiatric Facility/Hospital	Inpatient Rehabilitation Facility	Long-Term Acute Care Hospital	Neoplastic Disease Care Hospital	Skilled Nursing Facility	Sole Community Hospital	LICENSING FLEXIBILITY OR REQUIREMENT
X		X				X		X				Waiver of privileges continuation requirements
X		X				X		X				Waiver of medical records organization and staffing requirements
X		X				X		X				Waiver of advance directive requirements
X		X				X		X				Allow increased flexibility for surge capacity, patient quarantine
X		X				X		X				Allow increased flexibility for certified registered nurse anesthetist supervision
X		X				X		X				Waiver of utilization review requirements
X		X				X		X				Waiver of emergency preparedness policies and procedures requirements
X		X				X		X				Waiver of quality assessment and performance improvement program requirements
X		X				X		X				Waiver of nursing plans of care development requirements
X		X				X		X				Waiver of dietetic manual requirements
X		X				X		X				Waiver of qualified personnel designation requirements

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X		X				X		X				Allow for swing bed expansion
		X										Waiver of minimum qualifications for clinical nurse specialists, nurse practitioners, physician assistants
		X										Flexibility to defer to state law for licensure requirements of staff
		X										Flexibility to establish surge locations
		X										Waiver of number of beds, length of stay
X		X				X		X				Flexibility to expand to temporary locations
		X										Waiver of requirement that a MD or DO be physically present to provide medical direction, consultation, supervision
X		X				X		X				Flexibility to allow for hospital community administration of COVID vaccines
											X	Waiver of market share/bed requirements (n/a; Medicare-related flexibility)

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X						X	X					Flexibility to house acute care patients in inpatient rehab facility or inpatient psychiatric facility excluded distinct parts
X						X						Flexibility to care for excluded inpatient psychiatric patients in acute care unit of hospital
X							X					Flexibility to care for excluded inpatient rehabilitation patients in acute care unit of hospital
							X					Flexibility regarding 60 percent rule
							X					Waiver of inpatient rehabilitation facility intensity of therapy 3-hour rule requirement
								X				Flexibility concerning supporting care for long-term acute care hospital patients
									X			Flexibility concerning care for neoplastic disease patients (n/a; no neoplastic disease care hospitals licensed in AK)
								X		X		Waiver of minimum data set reporting requirements
								X		X		Flexibility concerning resident roommates, grouping requirements

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								X		X		Flexibility concerning resident transfer/discharge requirements
				X								Flexibility concerning OASIS reporting
				X								Flexibility concerning initial assessments
				X								Waiver of onsite visits for home health aide supervision
				X								Flexibility to allow occupational and physical therapists, speech language pathologists to perform initial/comprehensive assessments
				X								Waiver of 12-hour annual in-service training requirement
				X								Flexibility regarding detailed information sharing for discharge planning requirement
				X								Flexibility concerning clinical records requirements
				X								Flexibility concerning training and assessment of home health aides
				X								Waiver of Quality Assurance, Performance Improvement (QAPI) requirements
					X							Waiver of volunteer use requirement

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					X							Waiver of comprehensive assessment requirements
					X							Waiver of non-core services requirements
					X							Waiver of onsite visits for hospice aide supervision requirements
					X							Flexibility to allow use of pseudo patients for hospice aide competency testing
					X							Waiver of hospice aide 12-hour in-service training requirements
					X							Waiver of annual hospice training requirements
			X									Waiver of training program and periodic audits requirements
			X									Waiver of emergency preparedness requirements
			X									Flexibility to allow delay of patient assessment requirements
			X									Flexibility concerning time period for initiation of care planning, monthly physician visit requirements

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			X									Flexibility concerning home visits to assess adaptation, home dialysis machine designation requirements
			X									Flexibility concerning designation of special purpose renal dialysis facilities requirements
			X									Flexibility concerning dialysis patient care technician certification requirements
			X									Flexibility concerning transferability of physician credentialing requirements
			X									Flexibility concerning furnishing dialysis services on main premises requirement
	X											Flexibility concerning staffing requirements
	X											Flexibility concerning nursing services requirements