



The influential voice of Nebraska's hospitals

March 12, 2020

The Honorable Deb Fischer
United States Senate
454 Russell State Office Building
Washington, DC 20510

Dear Senator Fischer:

The Nebraska Hospital Association (NHA) is the influential and unified voice for Nebraska's hospitals and health systems, providing leadership and resources to enhance the delivery of quality patient care and services to Nebraska communities.

We are writing on behalf of the hospitals and health systems we serve to ask for your immediate action in support of our response to Coronavirus Disease (COVID-19). Our frontline staff are facing unprecedented challenges in response to the largest public health emergency in recent memory. We appreciate the support our elected officials have shown thus far. However, swift action is necessary to combat the spread of the virus and ensure our hospitals have the resources and staff needed to care for their communities. As the number of persons seeking care escalates, our hospitals will likely near capacity and need flexibility to respond under rapidly changing conditions. We need action on two immediate issues and urge you to act in a bipartisan fashion:

Presidential Action Under the Stafford Act:

We urge you to implore President Trump to take action under the Stafford Act. Such an action will allow our states and member hospitals to pursue necessary waivers to critical provisions of Medicare, Medicaid and Children's Health Insurance Program (CHIP) under section 1135 of the Social Security Act.

The following are examples of the types of waivers we would seek and their impacts:

- Certain Emergency Medical Treatment and Labor Act (EMTALA) requirements to ensure the appropriate triage and flow of patients, specifically allowing hospitals to provide alternate care sites or isolate potentially infected patients from those seeking care for routine urgent and emergent health care events;
- Regulations governing skilled nursing facility admission criteria that require a three-day hospital stay so they can more quickly discharge patients no longer needing acute care; and
- The 25-bed limitation for critical access hospitals so they can flex to care for more patients as needed.

New Guidance for Asymptomatic Workers:

We also need your help urging the Centers for Disease Control and Prevention (CDC) to rescind their most recent guidance regarding asymptomatic health care personnel with potential exposure to COVID-19. The newest guidance adds unnecessarily cumbersome processes including the “exhaustion” of other staffing options before allowing an asymptomatic provider to care for patients.

We share the desire to protect both patients and staff from further spread of the virus. We believe that coupling personal protective gear with regular monitoring of exposed workers, like precautions put in place for other respiratory viruses and in-line with the CDC’s guidance from last week, should be the standard. Our workforce is already strained and it will likely get worse with the increased risk of community exposure and the prospect of widespread school closures. We need to ensure a maximum number of qualified caregivers are available. Being required to “exhaust” other options is unworkable.

Thank you again for your support of our hospitals. We appreciate your time and attention during this emergent situation. Please direct any questions regarding these comments to Andy Hale, Vice President, Advocacy at 402-742-8146 or ahale@nebraskahospitals.org.

Sincerely,

A handwritten signature in black ink, reading "Laura J. Redoutey". The signature is written in a cursive, flowing style.

Laura J. Redoutey, FACHE
President