



COVID-19 Update: CMS issues guidelines on providing non-emergent and non-COVID-19 health care

April 21, 2020

On April 19, 2020, CMS issued [Phase I guidelines](#) for re-opening facilities and providing non-emergent and non-COVID-19 health care. CMS notes that it previously issued guidance to restrict elective and non-essential services but “at this time many areas have a low, or relatively low and stable incidence of COVID-19, and that it is important to be flexible and allow facilities to provide care for patients needing non-emergent, non-COVID-19 healthcare.” CMS further stresses the importance of restarting ongoing health care needs, including surgeries, chronic disease care and preventive care, which are currently being postponed. Accordingly, CMS recommends that states that have passed the “Gating Criteria” under the Guidelines for Opening Up America Again move to Phase I of the recommendations for opening facilities and providing non-emergent and non-COVID-19 health care.

Under the Phase I guidelines, maximum use of telehealth continues to be encouraged. However, for care that cannot be accomplished virtually, recommendations are made for allowing non-essential services considering (1) personal protective equipment, (2) workforce availability, (3) facility considerations, (4) sanitation protocols, (5) supplies and (6) testing capabilities.

The guidance cautions that all facilities should continually evaluate whether their region remains at low risk of incidence and should be prepared to cease non-essential procedures if there is a surge in COVID-19 cases.

This move is consistent with other industry recommendations. On April 17, 2020, the American Hospital Association, American College of Surgeons, American Society of Anesthesiologists and Association of periOperative Registered Nurses issued [a joint statement](#) on resuming elective procedures.

The director of the Ohio Department of Health (ODH) issued an order prohibiting non-essential surgeries and procedures on March 17, 2020. On April 15, 2020, Governor DeWine announced that he requested and will be reviewing a proposal from the Ohio Hospital Association that would establish a plan to begin treating patients whose non-COVID-19 elective procedures had been delayed or deferred, noting that “[w]e have seen in the last week that Ohio has appeared to flatten the curve, and we feel much better about the capacity of hospitals today. However, there are still serious concerns about the lack of PPE.” Until such time, however, ODH Director Acton’s order remains in effect. Previously, on April 8, 2020, ODH released additional guidance on non-essential versus essential procedures.

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