



## DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

To: **Medicaid Physicians, Nurse Practitioners, and Physician Assistants**

From: **Robert R. Neall, Secretary**

Re: **COVID-19 #15: Home Orders Ordered by Nurse Practitioners and Physicians Assistants**

Release Date: **April 9, 2020**

Effective Date: **April 2, 2020**

**NOTE: Please ensure appropriate staff members in your organization are informed of the contents of this memorandum.**

### **Background**

On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency due to disease (“COVID-19”) caused by the novel coronavirus. The COVID-19 outbreak was declared a national emergency on March 13, 2020, and was previously declared a nationwide public health emergency on January 31, 2020 (retroactive to January 27, 2020).

The measures outlined in this document are restricted to use during the emergency declared by Governor Hogan related to the threat of COVID-19 and will expire immediately at the end of the declared emergency or when revised by additional orders such that the Secretary’s authority to issue this guidance no longer exists.

### **Overview**

The Centers for Medicare & Medicaid Services (CMS) has amended Medicaid home health regulations to enable other licensed practitioners to order services, equipment, and therapy that they would otherwise not be able to order. CMS has amended this federal regulation for the COVID-19 pandemic.

Current Medicaid regulations at 42 C.F.R. § 440.70 require an individual’s physician to order home health services as part of a written plan of care. The plan of care must be reviewed every 60 days, except for medical supplies, equipment and appliances (which must be reviewed annually by a physician).

Maryland Medicaid will allow nurse practitioners and physician assistants to order home health orders during the state of emergency.

Please note Maryland Medicaid plans to apply for a CMS waiver to this federal rule beyond the state of emergency.

### **Additional Resources**

- CDC: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- Maryland Department of Health, Department of Budget Management:  
<https://dbm.maryland.gov/employees/Pages/COVID19.aspx>
  - See “Guidance for Home Visiting Staff” under Information for State Agencies
- For Medicaid-related Coronavirus updates, visit [mmcp.health.maryland.gov](http://mmcp.health.maryland.gov).
- For questions about the Coronavirus, visit [coronavirus.maryland.gov](http://coronavirus.maryland.gov).
- <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>