



HEALTH AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-1200

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MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (M&RA)
ASSISTANT SECRETARY OF THE NAVY (M&RA)
ASSISTANT SECRETARY OF THE AIR FORCE (MRAI&E)
HEALTH AND SAFETY DIRECTOR OF THE COAST
GUARD

SUBJECT: Waiver of the 3-Day Prior Hospital Qualifying Stay Requirement for
Coverage of Skilled Nursing Facility (SNF) Care for TRICARE
Beneficiaries Affected by Hurricanes Katrina and Rita

In August and September 2005, powerful hurricanes hit the Gulf Coast region of the United States. Because of the fierce nature of the storms, many fled their homes with little opportunity to secure their homes. These hurricanes caused massive destruction of property resulting in the uprooting of thousands of people in the affected areas. Among those who had to flee the affected areas were residents of SNFs. Many of these people were evacuated to other SNFs or to hospitals. Other evacuees, due to injury or medical condition, were also evacuated to hospitals and transferred to SNFs either because of the continued need for skilled nursing services or because they were less critically injured and the hospitals were full of more critically injured people.

Under the rules of both the Department of Health and Human Services (HHS) and the Department of Defense (DoD) TRICARE program, a requirement exists for a beneficiary to be hospitalized for at least three days prior to admission to a SNF in order to qualify for Medicare or TRICARE SNF benefits. The Secretary of HHS waived the requirement for a "3-day prior hospital qualifying stay for Medicare Part A SNF benefits for people who are being evacuated or transferred as a result of Hurricane Katrina" (Sep 4, 2005) and later extended it to Hurricane Rita (Sep 29, 2005).

As a result of these extraordinary circumstances and in order to provide needed assistance to the TRICARE beneficiaries affected by these disasters, it is necessary for DoD to make a limited, temporary change to the existing rule requiring a 3-day qualifying hospital stay prior to admission to a SNF. Under the Administrative Procedures Act outlined in Title 5 of the United States Code, an exception to formal rule-making procedures exists when unusual circumstances make the formal process impracticable, unnecessary, or contrary to public interest. Given the national emergency created by the hurricanes and the need to respond quickly to medical needs of TRICARE

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beneficiaries in the affected areas, the TRICARE regulation is temporarily amended under the Act through issuance of this policy memorandum.

DoD hereby temporarily waives the 3-day prior hospital qualifying stay requirement for coverage of SNF benefits under TRICARE for those affected by Hurricanes Katrina and Rita. This waiver will apply to any TRICARE beneficiary who was admitted or transferred to a SNF after the following occurrences.

Either

1. evacuated from either a nursing home, SNF, or inpatient facility in the affected area or
2. discharged or transferred from a hospital (in the affected area or receiving locations) in order to provide care to more seriously ill patients (interim stays in a facility such as a nursing home before gaining admission to a SNF do not disqualify)

and

3. was in need of SNF care as a result of the hurricane disasters, regardless of whether that individual was an inpatient in a hospital, SNF, or nursing home prior to Hurricanes Katrina and Rita.

Providers are to document in the medical/clinical records both the medical need for the SNF admission and how the admission was related to the crisis created by Hurricanes Katrina and Rita and their aftermath.

The waiver described herein applies to the areas affected by Hurricane Katrina and Rita beginning the following dates: August 24, 2005 for Florida; August 29, 2005 for Alabama, Louisiana and Mississippi; and September 2, 2005 for Texas. The expiration date for all states was October 31, 2005.

I request wide dissemination of this information, and I will do the same. My point of contact in this matter is Mr. Tariq S. Shahid, and he can be reached at (303) 676-3801 or Tariq.Shahid@tma.osd.mil.



William Winkenwerder, Jr., MD

cc:
ASD (RA)