

November 10: USET SPF Alert: CMS Interim Final Rule with Request for Comments on COVID-19 Testing and Vaccination Reimbursement

Dear USET SPF Membership,

For your awareness, last Friday, November 6, 2020, the Centers for Medicare and Medicaid Services (CMS) published an [Interim Final Rule with Request for Comments](#) laying out new rules on reimbursement for COVID-19 testing and vaccination and implementing other provisions under the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The Interim Final Rules went into effect immediately and will remain in effect until the end of the COVID-19 public health emergency.

These new rules include:

1. Setting out payment for COVID-19 vaccine and administration under Medicare Part B;
2. Setting out rules for Medicaid and CHIP reimbursement of COVID-19 vaccine and administration with no cost sharing;
3. Requiring providers to publish the cash price for COVID-19 testing and establishing civil monetary penalties for providers who do not comply with the new requirements;
4. Requiring group health plans to pay for COVID-19 testing and vaccination with no cost sharing within 15 days of the vaccine being made available;
5. Establishing an add-on payment under Medicare for new COVID-19 treatments like Remdesivir;
6. Providing additional flexibilities to States to reduce Medicaid benefits while still receiving additional FMAP reimbursement during the public health emergency;
7. Extending the reporting period for the Comprehensive Care for Joint Replacement (CJR) model;
8. Giving states additional flexibilities to reduce public notice and Tribal consultation in approving Section 1332 waivers during the public health emergency.

Please see the [attached memo](#) from Hobbs Straus, which includes a brief summary of each provision and the impact to Indian Health Care Providers. USET SPF will continue to monitor the implementation of this final rule, as there are implications for the Indian Healthcare System. These include the requirement to publicize the cash price for COVID-19 testing which may have affect Indian Health Care Providers seeking reimbursement from private insurance providers, the waiver of Tribal consultation requirements for Section 1332 approvals, and the ability of states to reduce Medicaid benefits under the interim final rule.

CMS is accepting comments until **5:00 p.m. on January 4, 2021**. If commenting, please refer to file code CMS-9912-IFC, and may be submitted via electronically to <http://www.regulations.gov>, or via regular mail to the following address: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-9912-IFC, P.O. Box 8016, Baltimore, MD 21244-8016.

Please let me know if you have any questions.

Sisy Garcia (*Cheyenne & Arapaho*)

Policy Analyst

United South and Eastern Tribes Sovereignty Protection Fund

711 Stewarts Ferry Pike [temporary address]

Suite 100

Nashville, TN 37214

Cell: 505-730-9923

www.usetinc.org

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