



A Passionate Voice for Compassionate Care

March 20, 2020

The Honorable Alex M. Azar
Secretary of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar:

On behalf of the Catholic Health Association of the United States (CHA), the national leadership organization of more than 2,200 Catholic health care systems, hospitals, long-term care facilities, sponsors, and related organizations, I am writing both to thank you and the Department of Health and Human Services (HHS) for the many steps you have taken to allow health care providers to respond to the needs of patients during the novel coronavirus/COVID-19 pandemic and to request the following additional action.

- The President today announced he will trigger emergency war powers under the Defense Production Act to address the COVID-19 pandemic. We urge you to use this authority to take steps immediately to increase the production of urgently needed ventilators and other medical supplies including personal protective equipment such as masks, gloves and gowns, which are essential to protect front line health care workers.
- We urge you to withdraw the proposed Medicaid Fiscal Accountability Rule (MFAR). If finalized the rule would result in the loss of billions of dollars of Medicaid funding for states and hospitals when what they need is an influx of funding to meet the demands of the COVID-19 outbreak.
- We ask that you review the Stark Law and the Anti-Kickback Statute to remove any barriers that could prevent hospitals, physicians and vendors from entering into transactions necessary to meet the demands of the current public health crisis because of concerns about technical violations of the laws.
- In addition to steps already taken, we ask you to continue to identify and remove regulatory obstacles to the expanded use of telemedicine and the ability of hospitals, nursing homes, home care, hospice and PACE providers to maintain adequate staffing.
- We and our members appreciate your invocation of Section 1135(b) of the Social Security Act so that sufficient health care items and services will be available to those enrolled in Medicare, Medicaid and CHIP. There is still some confusion about how to apply for 1135 waivers. We urge you to issue additional clarification and consider, to the

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extent possible, allowing waivers to be effective automatically instead of requiring that they be requested.

In this time of national crisis, I would like to thank you and everyone at HHS. We know you are working hard to make sure that we can meet the enormous threat COVID-19 poses to the health of our people and the challenges it has created for the functioning of our health care system. CHA and the Catholic health ministry stand ready to assist you in any way possible.

Sincerely,

A handwritten signature in cursive script that reads "Sr. Mary Haddad". The signature is written in dark ink and is positioned above the typed name and title.

Sr. Mary Haddad, RSM
President and CEO

cc: Seema Verma, Administrator, Centers for Medicare & Medicaid Services